United Nations

S/PV.6523

Security Council

Sixty-sixth year

Provisional

6523rd meeting

Wednesday, 27 April 2011, 10.40 a.m.
New York

President:	Mr. Osorio	(Colombia)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mr. Fernandes
	China	Mr. Yang Tao
	France	Mr. Araud
	Gabon	Mr. Messone
	Germany	Mr. Berger
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Khachab
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2011/249)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

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The meeting was called to order at 10.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2011/249)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Spain to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2011/268, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

I wish to draw the attention of Council members to document S/2011/249, containing the report of the Secretary-General on the situation concerning Western Sahara.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Sangqu (South Africa): On this day, 27 April, 17 years ago, South Africans loudly proclaimed from their rooftops, in the words of Doctor Martin Luther King Jr.: "Free at last! Free at last!" This was in celebration of the fulfilment of our right to self-determination and freedom. Nelson Mandela stated that our freedom would be incomplete without the freedom and self-determination of others. The people of Western Sahara continue to be denied this inalienable right.

Twenty years ago, this Council mandated the creation of the United Nations Mission for the Referendum in Western Sahara (MINURSO). While MINURSO has successfully maintained the ceasefire, its core mandate of overseeing the referendum that would lead to the realization of the right to self-determination of the people of Western Sahara has not been realized.

We welcome the fact that the parties have made some progress during their negotiations, especially on confidence-building measures. However, we regret that the parties have not moved on the core issues that would allow the people of Western Sahara to freely determine their future and destiny, whether it is full independence or autonomy from Morocco.

It is noteworthy that the Council, through the draft resolution before us (S/2011/268), encourages the parties to demonstrate further political will towards a solution, including by expanding on their discussions of each other's proposals. We would hope that a meaningful engagement in this manner would contribute to finding a mutually acceptable solution that would provide for the self-determination of the people of Western Sahara.

My delegation further welcomes the parties' stated commitment to hold the seventh round of informal talks in May to examine the 27 April 2007 proposals. We urge them to focus on the core issues in order to bring finality to this intractable dispute.

The impending adoption of this draft resolution comes at a critical time in history, when the people of the Middle East and North Africa are demanding the full promotion, protection and enjoyment of their political, socio-economic and human rights. Our discussion on the situation in the Western Sahara also comes at a time when the Security Council acted swiftly in fulfilling its mandate to maintain international peace and security in Libya and Côte d'Ivoire, as well as ensuring that the voices of the people in those countries were heard. As a responsible member of the Council, we supported those actions. Uprisings in the Middle East and North Africa are an indication that the status quo, when the human rights of people are denied, can no longer be sustained.

In keeping with the Council's action in the past few months, we have to ensure that the rights of the people of Western Sahara are not ignored and are protected. Human rights are universal, indivisible and interdependent. It is a travesty that MINURSO's is one of the few United Nations mandates, and the only one in Africa, that does not include a human rights mandate. This double standard creates the impression that the Security Council does not care about the human rights of the people of Western Sahara. Certainly, the continued inertia of the Council on this matter has the potential to erode the credibility of this important body. South Africa maintains that MINURSO should have a human rights monitoring mandate, especially in the light of recent reports of human rights incidents in Western Sahara, including events in Laayoune late last year.

The draft resolution that we have before us stresses the importance of improving the human rights situation in Western Sahara in the Tindouf camps and encourages the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law. We would have hoped that the Council would have created a mechanism to protect the human rights of the Saharawi people, as it does in other situations. We believe that an international, credible, legal and permanent mechanism is necessary.

We note the establishment of the National Council on Human Rights in Morocco and the proposed component regarding the territory of Western Sahara, as well as the commitment of Morocco to ensure unqualified and unimpeded access to all special procedures of the United Nations Human Rights Council. However, we believe that this should be done without prejudice to the legal status of Western Sahara as a Non-Self-Governing Territory under Chapter XI of the Charter of the United Nations.

In conclusion, we draw attention to the fact that Western Sahara remains the last colony on the African continent and that it is listed as a Non-Self-Governing Territory by the United Nations. South Africa will continue to support efforts to achieve a just, lasting and mutually acceptable political solution, which will provide for the inalienable right to self-determination of the people of Western Sahara. It is for this reason that my delegation will vote in favour of the draft resolution before us, extending the mandate of the United Nations Mission for the Referendum in Western Sahara.

Mr. Onemola (Nigeria): At its 2984th meeting, on 29 April 1991, the Security Council, through resolution 690 (1991), established the United Nations Mission for the Referendum in Western Sahara (MINURSO). Central to the Mission's mandate is a referendum in Western Sahara as part of a peaceful settlement of an intractable problem. In essence, MINURSO derives its legal basis and relevance from that resolution. We are deeply troubled by the lack of a reference to resolution 690 (1991) in the current draft resolution (S/2011/268).

Paragraph 120 of the Secretary-General's report (S/2011/249) reinforces the point that the decision of the fate of Western Sahara lies with the people of the territory. The Security Council has supported this principle through its positions on South Sudan and, now, in North Africa. The people of Western Sahara must be given a similar opportunity to determine their own destiny. Indeed, the ongoing developments in the Middle East and North Africa are a strong reminder that the status quo is no longer tenable.

All Members of the United Nations have emphasized the need for coherence and consistency in the policies we promote. In 2005, human rights received a major boost with the establishment of the Human Rights Council. Collectively, Member States reaffirmed their commitment and obligation to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all in accordance with the United Nations Charter. That is even more so in cases where parties to conflict accuse each other of rights violations. The intolerable human rights violations in Western Sahara require constant monitoring and appropriate rapid-response capability, which only a permanent and neutral international human rights monitoring and reporting body could provide.

Nigeria is convinced of the importance of upholding human rights as a universal principle. The Council should be seen to promote and vigorously defend human rights in all circumstances. The Saharawi Arab Democratic Republic, a full-fledged member of the African Union (AU) since 1984, remains the only country on the continent still awaiting the completion of its process of decolonization. It is inconceivable that neither the African Union nor a member State of the AU is a member of the Group of Friends of Western Sahara. We believe that the time has come to involve African Union countries in the efforts to find an international solution to the conflict. Nobody could be better friends of the people of Western Sahara than the representatives of the regional group to which it belongs.

My delegation will vote for this draft resolution, but we hope that, in the future, some of the concerns we have raised will be considered.

The President (*spoke in Spanish*): There are no other speakers inscribed on my list of those wishing to speak before the voting on the draft resolution. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1979 (2011).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Sir Mark Lyall Grant (United Kingdom): It has been 20 years since the Council first mandated the United Nations Mission for the Referendum in Western Sahara (MINURSO). As the Secretary-General notes in his report (S/2011/249), the situation on the ground has changed dramatically in those 20 years. For the United Kingdom, the status quo is unsustainable in the longer term. If the Security Council does not work actively to resolve this issue, it will get worse.

We support the tireless efforts of Ambassador Christopher Ross, but it is clear that no progress has been made on the substance of the dispute. This stalemate is regrettable, and we should not pretend otherwise.

The United Kingdom wants to see greater efficiency in all peacekeeping missions. We approach MINURSO no differently. This resolution requests the Secretary-General to keep MINURSO's operations under close review and to pursue a rigorous and strategic approach to its deployment, and calls for an examination of the existing challenges to MINURSO's operations to reflect more closely the situation on the ground.

The core issue under dispute in relation to Western Sahara is one of territory and sovereignty. This resolution does not affect the position of the parties in that respect. But the human rights situation in Western Sahara and the Tindouf camps is frequently raised by both parties and is an important issue in itself. The United Kingdom has said for a number of years that the Security Council should address this matter. We are pleased that it has now done so in this resolution. The Council has welcomed Morocco's proposals and those of the Frente Polisario as a meaningful step forward on human rights, but has also set expectations for implementation, delivery and further progress.

The political future of Western Sahara will be determined only by a concerted effort from both Morocco and the Polisario, with the support of the international community. Each party must demonstrate political will towards a solution by expanding upon their discussions of the other's proposals and considering innovative approaches to the negotiations. Unless and until the political will can be found by the parties, we will be no closer to the realization of a substantive political solution.

Mr. Araud (France) (*spoke in French*): My delegation welcomes the Security Council's unanimous adoption of resolution 1979 (2011), which highlights the importance attached by the international community to settling the conflict in Western Sahara. The resolution sends three important messages.

First, it recalls the priority nature of the political process. We welcome the acceleration of unofficial talks under the auspices of the Personal Envoy of the Secretary-General, and hope that official negotiations will quickly resume. We support the initiatives taken by Mr. Ross along these lines, but he will be able to do nothing without the commitment of all parties, which should participate in the negotiations, as recalled by the resolution we have just adopted. The parties should show a sense of realism and a spirit of compromise, and abstain from any provocation.

The settlement of this question is a necessity not only for the people of Western Sahara, but also for the stability, security and integration of the Maghreb region. Nothing should therefore distract us from this objective. In this regard, Morocco has presented a serious and credible autonomy plan that is a good basis for negotiation.

The second message is that the resolution sends a clear message of support for the reforms undertaken by Morocco, especially with respect to human rights. The King of Morocco, in his historic 9 March speech, launched a reform movement that the Council wishes to support. In this context, we are pleased that Morocco has decided not only to establish national human rights mechanisms, but also to ensure access to the 33 special procedures of the Human Rights Council. The Security Council has welcomed and encouraged these new substantial measures, which will benefit the population of Western Sahara in particular. But the resolution also recalls that the situation of the Sahrawi population in the Tindouf camps should not be forgotten.

The third message is that the resolution highlights the considerable progress being made in the area of confidence-building measures. The agreement of the parties and the neighbouring States to meet regularly with the Office of the United Nations High Commissioner for Refugees (UNHCR) to reassess the entire confidence-building programme is important. Last week, the dispatch of a team to study the construction of a road that would facilitate family visits and the organization of a seminar in Portugal between Sahrawis in Western Sahara and in the camps are positive developments. Every effort must be made to alleviate the day-to-day difficulties of the Sahrawi population. We salute the role played by the UNHCR in this regard. We support any additional measures taken on the political and humanitarian levels, with the agreement of the parties, to promote mutual trust.

Mr. Messone (Gabon) (*spoke in French*): Gabon's position on the issue of Western Sahara is well known. We have always backed dialogue among the parties and positions mindful of international law and regional stability. We wish to recall our commitment to respect for human rights.

My delegation welcomes the adoption of today's resolution 1979 (2011) on Western Sahara. This balanced resolution confirms the importance of the negotiating process and reiterates the Council's appreciation for the efforts undertaken by Morocco since 2006. Gabon also welcomes the resolution's support for the three initiatives proposed by the Secretary-General in his report (S/2011/249). These initiatives will promote a deepening of the negotiations under way under the aegis of the Secretary-General's Personal Envoy, Mr. Christopher Ross, to whom we reiterate our support for his efforts to reinvigorate the negotiating process.

We believe that the resolution also endorses the Secretary-General's recommendation as to the need for the Office of the United Nations High Commissioner for Refugees to continue to address the issue of refugees in the Tindouf camps. We welcome the recognition of the efforts and measures undertaken by Morocco to consolidate and strengthen the promotion and protection of human rights, especially in Western Sahara. Gabon remains wedded to the main objective of promoting a definitive solution to this problem and to creating conditions conducive to stability in the Maghreb region.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. The Security Council has thus concluded the current stage of its consideration of the item on its agenda.

The meeting rose at 11 a.m.

United Nations **S/PV.6524**

Security Council
Sixty-sixth year

Provisional

6524th meeting
Wednesday, 27 April 2011, 4 p.m.
New York

President:	Mr. Osorio	(Colombia)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	France	Mr. Araud
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Hardeep Sing Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in the Middle East

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The meeting was called to order at 4 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Syrian Arab Republic to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Pascoe.

Mr. Pascoe: I appreciate the opportunity to brief the Council once again today on the situation in Syria.

We are following developments as closely as possible, and I base this briefing on reports from the Office for the Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights (OHCHR) and other United Nations entities, published and confidential information from major international human rights and humanitarian organizations and a review of reputable media sources. We have also reviewed the official websites of the Government of Syria and social media sites of Syrian opposition groups.

Anti-Government demonstrations started in mid-March, following the detention of 15 school children in Dar'a for writing anti-Government graffiti. Those demonstrations have since gradually, but steadily, increased in geographic scope and participation. There are documented reports of protests in the coastal cities of Latakia, Baniyas and Jablah and the central cities of Homs and Hamah, the southern cities of Dar'a and Izra, the eastern city of Dayr Al-Zawar, the suburban towns around Damascus of Duma and Al-Moadamyeh and in the north-east in the cities of Al-Hasakak and Al-Qamishli. Demonstrations in the major cities of Damascus and Aleppo have been sporadic and more limited. Protesters began with demands for greater freedom and political and economic reforms. They are increasingly calling for the downfall of the regime, echoing slogans that have been heard elsewhere in the region.

The Syrian authorities have reacted with a mix of reform measures and increasingly violent repression, which the Secretary-General has strongly condemned. In his speech to the Parliament on 30 March, President Al-Assad announced that a series of political, social and economic reforms would be undertaken to respond to demands of the Syrian people, including an investigation into the killings during protests. On 7 April, a presidential decree granted long-awaited citizenship to stateless Kurds residing in the north-east of the country. On 15 April, the President pledged to release all protest-related detainees, except those accused of committing crimes "against the nation and the citizens". Local officials were removed, and new ones appointed, in an apparent attempt to open dialogue with the population in Homs and Dar'a.

On 16 April, President Al-Assad swore in a new Government, which he tasked with developing reforms, including preparing new laws on media and political parties. In a series of decrees issued on 21 April, he lifted the state of emergency, which had been in place since 1963. He also abolished the High Security Court and recognized the right to peaceful protest while strictly regulating it. The next day, Friday, 22 April, witnessed the largest demonstration to date across the country, with demonstrators claiming that the measures taken were too little and too late. Despite the promise of reform, in fact, the Government crack-down intensified dramatically. OHCHR has information that more than 100 persons were killed in many towns across the country from Friday to Sunday. There is growing concern about the overall well-being of the population, including their access to medical care and services, and access to food and water in some cities.

Following the massive demonstration of Friday, 22 April, the Syrian army started a major military operation against Dar'a and surrounding villages. Tanks and large numbers of soldiers entered the area. Given the siege-like conditions, it is difficult to confirm our information. But reliable sources are consistently reporting the use of artillery fire against unarmed civilians, door-to-door arrest campaigns, the shooting of medical personnel who attempt to aid the wounded, raids against hospitals, clinics and mosques and the purposeful destruction of medical supplies and arrests of medical personnel.

The United Nations can confirm that electricity, communications systems and water in the city have been cut since at least Monday, and that as a result of those operations United Nations Relief and Works Agency for Palestine Refugees in the Near East schools and health facilities in Dar'a have been closed for the past week. There are reported shortages of medicine, water and food, and this could become a major humanitarian issue in the coming days.

The United Nations is requesting access to those areas to assess humanitarian needs and to provide an accurate first-hand account of developments.

I should also note that the land border between Syria and Jordan has been closed for much of the period of this ongoing military operation.

The towns of Duma and Al-Moadamyeh, in the vicinity of Damascus, are also surrounded by tanks and armed forces, as had been Baniyas earlier this month. There have been reports of security forces opening fire on demonstrators in the city of Djabla, killing at least 13 in the past couple of days. In Homs, security forces opened fire on demonstrators on 18 and 19 April, reportedly killing up to 20 people. Overall since mid-March, a review of reputable reports from media and human rights groups put the total number of anti-Government demonstrators killed by security forces and their supporters at more than 300, most likely between 350 and 400.

The High Commissioner's Office has also received information of wide-scale arrests of protesters, human rights defenders, lawyers, journalists and others. There are serious allegations of beatings and torture of people detained in connection with the protests, including children.

A review of the reports of the media, international human rights groups, United Nations agencies and diplomatic missions confirm that the overwhelming majority of protests have been peaceful and unarmed. However, there have been credible reports of a very few instances where protesters have used force, resulting in the deaths of members of the security forces.

Human Rights Watch has documented, with eyewitness testimony, only one such incident, on 8 April in Dar'a, when, after a number of protesters had been killed by live fire from the security forces, some demonstrators seized weapons from an abandoned checkpoint and opened fire, killing perhaps a dozen security personnel. There are no confirmed reports that this is a recurring phenomenon, nor do we have confirmation of reports of security personnel or soldiers being killed by Government agents. Some of the overall confusion on this sensitive issue may stem from the widely reported presence of armed security agents and regime supporters in civilian clothes.

The lack of transparency is compounded by the denial of access to the international and independent media, which, of course, violates freedom of the press and the right to information. The Committee to Protect Journalists and numerous other sources note that the Syrian authorities continue to detain journalists on a regular basis, disrupt Internet and telephone service, prohibit the entry of international journalists into the country, and block all access to areas of unrest. One cumulative effect of this policy is to prevent the collection and dissemination of accurate and impartial information, leaving observers unable to confirm or deny many allegations.

The official news agency, the Syrian Arab News Agency reported the death of at least 21 military and security personnel in recent days, and it alleged that more than 290 internal security officers had been injured since the beginning of the events. The Government has stated that most of the killings of civilians have been committed by anti-Government armed militias, but it has provided no evidence to date to support this.

Syrian television has also broadcast alleged confessions by detained protesters speaking of armed protesters and interference from abroad. The Syrian State media has also accused Lebanon's Future Movement of supplying arms to the protesters, which it has denied. We have no further information on those allegations.

The Secretary-General and the High Commissioner for Human Rights have emphasized that all the killings during the demonstrations should be investigated, including the alleged killing of military and security officers. There will be a special session of the Human Rights Council on the situation of human rights in Syria in Geneva on Friday.

The regional implications of the situation in Syria are a source of concern in particular for its neighbours. In a press release dated 25 April, the Secretary-General of the League of Arab States said that the League was following the current developments in a number of Arab countries with great concern. It supported the growing popular aspiration in the Arab world for change, social modernization, the end of repression and a movement towards democratization and reform. It urged an immediate halt to violence against demonstrators, insisting that the people's demands for freedom and democracy deserved support, not bullets.

The statement also announced that the forthcoming meeting of the League of Arab States Ministers for Foreign Affairs will discuss the current dangerous situation between the people and their Governments in the Arab world. We also note the efforts made by the Government of Turkey to engage with Syrian interlocutors.

The Secretary-General is following the situation in Syria closely and with deep concern. As members are aware, he has issued three statements and spoken directly with President Al-Assad. The Secretary-General has condemned the use of violence against peaceful demonstrators and called for an independent, transparent and effective investigation into the killings. He has conveyed our belief that the Syrian authorities should fulfil their obligation to protect civilians and respect international human rights, including the right to freedom of expression and peaceful assembly, as well as the freedom of the press.

Repression is not the solution. An inclusive dialogue and genuine reforms should address the legitimate aspirations of the Syrian people, restore confidence and ensure social peace and order.

The President (*spoke in Spanish*): I thank Mr. Lynn Pascoe for his briefing.

Ms. Rice (United States of America): I should like to thank Under-Secretary-General Pascoe for his briefing on the deteriorating situation in Syria. The United States condemns in the strongest possible terms the abhorrent violence used by the Government of Syria against its own people. My Government calls on President Al-Assad to change course now and heed the calls of his own people. We also call on the international community to respond to this brutal crackdown and to hold accountable those who are perpetrating these gross human rights violations.

The United States has expressed its position to the Syrian Government, and we are considering a range of options, including targeted sanctions, to respond to the outrageous and ongoing use of violence against peaceful protesters. We are particularly concerned about continued reports of gratuitous violence against unarmed demonstrators. I am pleased to note that the Human Rights Council decided this morning to hold a special session on the situation of human rights in Syria on Friday. The United States is one of the many supporters of this decision and believes the event to be an important and timely response given the horrific actions taking place. These brutal acts are those of neither a responsible Government nor a credible member of the international community.

Syrian Government actions up until now have not been serious responses to the demands of its people. Instead, the Syrian Government's violent repression of peaceful protesters is continuing. Casting blame on outsiders instead of addressing its own internal failures is no way for a Government to respond to legitimate calls for reform from its people.

Syrian security and military forces continue to attack civilian protesters, while the Government continues to seek Iranian assistance in repressing Syria's citizens through the same brutal tactics that have been used by the Iranian regime. The Syrian Government must stop the arbitrary arrest, detention and torture of civilians, especially journalists and activists. We call on the Syrian Government to allow the media, including foreign journalists, as well as human rights monitors, to verify events independently on the ground, which include reports of indiscriminate attacks on populated areas by Syrian forces.

The Syrian Government must acknowledge its people's legitimate calls for substantial and lasting reform. Words must be backed by actions to ensure real reform in Syria. The Syrian people's cries for freedom of expression, association, peaceful assembly and the ability to freely choose their leaders must be heeded.

Sir Mark Lyall Grant (United Kingdom): I should like to thank Mr. Lynn Pascoe for his briefing today. What we have heard from Mr. Pascoe is of grave concern to my Government. This is a moment of hope for many people across the Middle East and North Africa. Their voices are being heard as never before. New democratic processes are under way in Egypt and Tunisia, reflecting a long-pent-up desire for more open and representative government. Other Governments across the region are responding positively to the demand for reform.

In Syria, the Government has so far chosen a different path. What we have seen in recent weeks is a systematic attempt to stifle the legitimate demands of the Syrian people through violence and oppression. Despite the best efforts of the Syrian Government to bar access to international media and to suppress independent coverage of what is happening, we have witnessed the repeated and deliberate targeting of civilians and the use of tanks and other heavy weaponry against peaceful protestors.

Mr. Pascoe spoke of the 350 to 400 demonstrators killed by the security forces over the past few weeks. The Syrian army has imposed a siege on the city of Dar'a, including cutting all phone lines, water and electricity. The military is firing indiscriminately in the city itself. The security forces are also attacking several surrounding towns and suburbs of Damascus. We condemn utterly and without reservation the violence and killings perpetrated by the Syrian security forces against civilians, who are expressing their views in peaceful protests.

We now need to see four things. First, the violent repression must stop immediately. The Syrian Government has a responsibility to protect peaceful protestors, not to attack them. President Al-Assad must order his forces to show maximum restraint. The protestors themselves must ensure that their actions are peaceful.

Secondly, President Al-Assad's Government needs to respond to the legitimate demands of the Syrian people with immediate and genuine reform, not brutal repression. The emergency law should be lifted in practice. On 21 April, the Permanent Representative of Syria told the Security Council that legislation had been enacted recognizing the right to peaceful demonstration, but the reality on the ground stands in stark contrast to that commitment.

Thirdly, those responsible for the violence must be held to account. We strongly support the Secretary-General's call for an independent, transparent and effective investigation into the killings. The perpetrators of violence against civilians, and in particular those who have ordered it, must be brought to justice.

Fourthly, the international community needs to speak with one voice in condemning the violence in Syria. The United Kingdom is working intensively with its international partners to persuade the Syrian authorities to stop the violence and to respect the basic and universal human rights to freedom of expression and assembly. We will look at further measures with our European Union and other partners if the violence does not stop. That may include targeted financial and travel sanctions against those responsible for the violence, as well as their families and business interests.

Syria is at a fork in the road. Its Government can still choose to bring about the genuine reform that alone can provide peace and stability for Syria in the long term, or it can choose ever more violent repression, which can only bring short-term security for the authorities, but at a terrible cost to Syria's people and the country's future. We urge President Al-Assad to take the first course, which is the only way for Syria to regain its place at the heart of the Middle East.

Mr. Araud (France) (*spoke in French*): I should like to thank Under-Secretary-General Pascoe for his briefing to the Council on the situation in Syria, which has further heightened the concerns of its members.

I would like to express, before the Council, France's deep concern at the violent actions of the Syrian authorities against civilian demonstrators. We unreservedly condemn such unacceptable brutality, which has already caused not only hundreds of deaths among Syrian civilians, but also numerous disappearances of demonstrators, journalists and human rights activists. For the past three days, Dar'a has been a city besieged by the Syrian army, deprived of water, electricity and contact with outside world, surrounded by tanks and threatened with heavy artillery.

The memories of the bloody massacres of the civilian population in Syria in the early 1980s, in particular in Hama, are too painful for the international community to silently stand by in the face of escalating repression. Today, the Council must send a clear message to the Syrian authorities that this indiscriminate and brutal repression must stop immediately. The Syrian authorities must respect the fundamental rights and freedoms of the country's citizens, particularly the right of peaceful protest and freedom of the press. The arbitrary arrests must stop, as must the restrictions being imposed on the media.

We call on the Syrian authorities to immediately release prisoners of conscience. We support the

Secretary-General's appeal for an independent, transparent and effective investigation into the crimes that have been committed. Those who ordered and perpetrated those acts should be held accountable for their actions.

Only reforms responding to the legitimate aspirations of the population will help to preserve the country's stability, which is in the interest of all. Syria plays a decisive role in regional stability. However, at this stage, we cannot help noting that the lifting of the state of emergency and other reforms announced by the President have been followed by a contradictory upsurge in violence. The Syrian people's call for freedom, democracy and respect for their universal rights must be heard by the Syrian authorities or, failing that, by the Security Council.

If no positive developments unfold, France and other countries will review a wide range of alternatives for increasing pressure on the Syrian regime to stop the repression and take steps towards reform. Strong measures must be taken if these calls go unheeded. The Human Rights Council is also seized of the matter, and we trust that it will adopt a resolution at the close of its special session on Friday.

Mr. Sangqu (South Africa): We, too, join in thanking Under-Secretary-General Pascoe for his briefing on the unfolding situation in Syria, about which South Africa is very concerned. We regret the loss of life in Syria and call on all parties to the conflict to show restraint. We welcome the lifting of the state of emergency, which had been in place for almost 50 years. We also welcome the adoption of other reforms introduced by the Syrian authorities over the past few days. We urge the Government of Syria to move swiftly to implement the necessary reforms towards democratization, in accordance with the will and aspirations of its people.

The voices of people in Syria and other countries in the Middle East and North Africa cannot be ignored. It is important for their Governments to ensure that the rights of their people are protected and that they be allowed to voice their grievances peacefully. Syria is integral to a wider resolution of the Middle East conflict; its stability is linked to that of its neighbours.

Finally, we urge the Syrian authorities to initiate an open, transparent and all-inclusive process with their people in order to address their grievances and, in turn, guarantee their fundamental political rights and freedoms, including their rights to freedom of assembly and freedom of speech.

Mr. Wittig (Germany): We are grateful to you, Sir, for having convened this very timely meeting. Let me also thank Under-Secretary-General Pascoe for his briefing. The information that he gave us is deeply worrying. The Council must urgently discuss the situation in Syria. The scale of the violence and brutality used for internal repression is deeply disturbing. What is more, the situation has obvious regional and international implications, given Syria's critical importance to peace and security in the Middle East, including being host to a United Nations peacekeeping mission.

The briefing that we heard and the facts on the ground have shown that the Syrian authorities are using violence against peaceful demonstrators. We are deeply shocked by the deaths of civilians who were killed because they tried to exercise their fundamental rights. The systematic use of force by deploying tanks and using live ammunition comes from the Syrian authorities. The demonstrators do not have tanks. They do not arrest people arbitrarily. They do not curtail journalists in their reporting.

The continued violence against peaceful protesters is completely unacceptable. It has to stop immediately. All announcements of reforms are undermined by the ongoing violence. The reports we have received from Dar'a are deeply disturbing. Tanks and artillery have been deployed. There have been many casualties. It is impossible to access the area. We demand access for international observers. Those responsible for the killings should be held accountable.

In this connection, we strongly support the Secretary-General's call for an independent, transparent and effective investigation into the killings. The Syrian authorities must respect human rights, including the right to peaceful assembly, as well as freedom of opinion and of the press. We also call on the Syrian authorities to respect the obligation to safeguard the integrity and dignity of all detainees and their right to a fair legal process.

The Syrian Government now has a choice to end the violence and initiate the tangible and meaningful reforms that are needed, or to continue with ever more violent repression. Choosing the latter would be a very short-sighted approach and would require us to react with the appropriate measures. Ongoing repression is not a solution.

Germany has so far taken up a number of diplomatic and political initiatives. We have strongly supported a special session on Syria at the Human Rights Council, and welcome the fact that it will take place this Friday. Together with our partners, we will consider action at the level of the European Union before the end of the week. This might include sanctions.

Mr. Pankin (Russian Federation) (*spoke in Russian*): We thank Mr. Lynn Pascoe for his briefing.

Like other members of the Security Council, the Russian Federation views with great concern the increasing tension and manifestations of confrontation in Syria, which are claiming victims and causing suffering among the demonstrators, law enforcement personnel and the army. We expect the Syrian authorities to conduct a transparent and effective investigation of all such cases and the guilty to be brought to justice.

The dangerous deterioration of the situation requires a careful, tried and tested approach. What can be done to help resolve the situation rather than cause further harm?

Clearly, the process of democratic reforms proclaimed and being earnestly implemented by the leadership of Syria is worthy of support. A great many significant steps have been taken in a very short period of time. A presidential decree has been signed, lifting the state of emergency in the country. The issue of granting citizenship to a large section of the population has been resolved. Preparations are under way for the upcoming special parliamentary session to adopt laws on demonstrations, political parties, local Government and the media. Measures are being elaborated to step up the fight against corruption, unemployment and the development of rural areas of the country.

The search for fair solutions to persistent problems must be carried out by the Government alongside all social, political and religious forces in a constitutional manner, and the sooner the better. Violence, regardless of what side the perpetrators are from, must be avoided. It is only through constructive dialogue on the implementation of announced political reforms and socio-economic change that stability and democratic development in Syria in the interests of all its citizens will occur.

The main thing, in our view, is that the current situation in Syria, despite increasing tension and confrontations, does not present a threat to international peace and security. One cannot disregard the fact that the violence does not originate entirely from one side. Inter alia, an army column was fired upon on the Latakia-Tartus road, and there have been armed attacks on military facilities and posts and the killing of police personnel followed by the abuse and desecration of their bodies.

A real threat to regional security, in our view, could arise from outside interference in Syria's domestic situation, including attempts to promote ready-made solutions or to take sides. It is increasingly clear that some demonstrators, both in Syria and other countries, hope that the deteriorating situation could force the international community to help them and to take sides. Such approaches lead to an endless cycle of violence and represent an invitation to civil war. It is extremely important to focus all efforts on avoiding such a dangerous turn of events, especially as Syria is the cornerstone of the Middle East security architecture. Destabilizing that significant link in the chain will lead to complications throughout the region.

Mr. Li Baodong (China) (*spoke in Chinese*): I thank Under-Secretary-General Lynn Pascoe for his briefing.

China is closely following the unfolding situation in Syria. Syria is an important country in the Middle East. We hope that the various parties there will resolve their differences through political dialogue and address the current crisis in an appropriate manner, so as to maintain stability and order in the country.

We welcome the fact that the Government of Syria recently lifted the state of emergency and announced political reforms and the launch of national dialogue. It has also decided to investigate all recent incidents. We hope that these measures will help to promote the achievement of the aforementioned objectives.

The turbulence in some countries in the Middle East and North Africa is a matter of deep concern. It has not only had a negative impact on peace and stability in these countries, but has also significantly undermined stability of the region. How to address these issues is a common challenge that we all face. It is also a common task, because if these issues are not addressed appropriately, they will threaten peace and stability in other regions and have a significant negative impact on the recovery of the world economy.

Therefore, with regard to the events that have taken place in these countries, we hope that the international community will offer constructive help in line with the purposes and principles of the United Nations Charter.

Mr. Hardeep Singh Puri (India): I would like to thank Under-Secretary-General Lynn Pascoe for his briefing on the situation in Syria.

Syria has, historically and in contemporary times, been an important country in the Middle East. Its role in the Middle East peace process and in the stability of the wider region cannot be overemphasized. Thus, prolonged instability or unrest in Syria may have ramifications for the region and beyond.

Reports of violence during the recent demonstrations in parts of Syria, resulting in the deaths of several demonstrators and security personnel, are of concern. There have been reports of armed extremist elements mingling with the demonstrators and using the demonstrations to attack security personnel and damage Government property, and there is an apparent lack of information regarding those responsible for those violent attacks.

We have noted that Syria has appointed a commission of inquiry into the violence during the demonstrations and announced various measures to address the grievances of its people, including the lifting of emergency laws, the abolition of State security courts, the transfer of investigative powers to the police, and so on. The Government has also announced procedures for organizing peaceful demonstrations. We hope that these measures, initiated by the Syrian Government as part of an inclusive process of political dialogue and reform, will initiate the process of meeting the aspirations of all sections of Syrian society.

As we deplore any violence from any quarter, the Council needs to make clear that it is the responsibility of sovereign States to respond to the aspirations of their people through administrative, political, economic and other measures. At the same time, it is for States to decide on the best course of action to maintain internal law and order and to prevent violence. The primary responsibility of the Council in this particular instance is to urge all sides to abjure violence in any form and to seek a resolution of grievances through peaceful means.

We believe that regional and subregional organizations have an important role to play in resolving the crisis in the region, including in Syria. It is essential that all efforts be made to de-escalate tensions rather than to exacerbate them. My delegation would support all measures designed to end violence and restore peace.

Mr. Messone (Gabon) (*spoke in French*): Like other delegations, Gabon wishes to express its deep concerns regarding the alarming situation in Syria. Gabon welcomes the lifting of the state of emergency and other measures taken by the Syrian authorities. However, we urge those authorities to put an immediate end to the ongoing repression of peaceful demonstrations and to investigate such human rights violations.

My country stresses the need to respect international humanitarian law in the face of the deterioration of the humanitarian situation described by Under-Secretary-General Pascoe. My delegation urges the Government of Syria to take concrete measures for deep-rooted reform to meet the aspirations of its people. We also urge the authorities to ensure the protection of civilians during law enforcement operations.

Gabon, attached to inclusive political dialogue as a bulwark of peace, urges the authorities in Syria to establish recognized mechanisms that take into account the legitimate aspirations of the people to lasting peace and stability. That is why we welcome the upcoming meeting of the Ministers for Foreign Affairs of the League of Arab States on 8 May.

Finally, we urge all regional actors to support efforts to establish dialogue to put an end to the current cycle of demonstrations and repression.

Mrs. Viotti (Brazil): I thank Under-Secretary-General Lynn Pascoe for his briefing. Basic freedoms must be upheld in all contexts. That must be the coherent message of this Council and the international community in responding to the challenges posed by the historic changes in the Arab world. Brazil stands in solidarity with those demonstrating peacefully for more political participation, improved economic opportunities, freedom and dignity.

We express concern at the current escalation of violence in Syria. We condemn the use of force against unarmed demonstrators wherever it occurs. We hope that the crisis can be addressed through dialogue. The legitimate aspirations of the populations in the Arab world must be addressed through inclusive political processes, and not by military means. At this stage, further repression is likely only to produce more protests and dissent. We expect the Syrian leadership to pursue the path of dialogue and reform as the most effective way to de-escalate the situation.

We note efforts at reform made by the Syrian Government. The lifting of the state of emergency and other concrete legislative measures are encouraging steps to address the legitimate aspirations of the population. We expect such measures to be implemented without delay. We take this opportunity to encourage the Syrian Government to engage in a broad, inclusive political dialogue with all relevant parties. Reform, not repression, is the way forward.

Regional organizations have a crucial contribution to make in forging political solutions with real chances of succeeding and leading to peaceful transformation. In this connection, I would like to underscore the vital role of the League of Arab States in encouraging steps in the right direction.

We are all well aware of the importance of stability in Syria to the overall stability of the Middle East. Syria being so central to regional stability, it is all the more relevant that reforms and meaningful dialogue be fostered there in a peaceful and stable environment, as free as possible from tensions and outside pressures.

Mr. Salam (Lebanon) (*spoke in Arabic*): I should like to start by thanking Mr. Pascoe for his briefing.

I recall that the links between Lebanon and Syria transcend those of mere good-neighbourliness. That is why the Taif Agreement, which is the foundation of Lebanon's Constitution, stipulates that Lebanon, Arab in its identity, is linked by sincere fraternal relations with all Arab States and has special relations with Syria that draw their strength from history and common fraternal interests. Coordination and cooperation between the two countries are based on those principles.

The security of Lebanon is bound up with that of Syria, and vice versa. What takes place in Lebanon affects Syria, and what takes place in Syria affects Lebanon. History has demonstrated that fact most convincingly. In referring to developments in Syria, President of the Republic Michel Sleiman expressed very clearly that Lebanon supported stability in Syria and the wider Arab world, but most especially in Syria because the security of both countries is linked, as we are all aware. Lebanon also supports Syria's leadership in its decision to initiate reforms, lift the state of emergency and the law on political parties, and take other measures.

Lebanon recognizes the fact that the calls for reform are correct and justified. Today, more than ever, the hearts and minds of all Lebanese people stand in support of Syria's sovereignty and territorial integrity, its people and the safety and security of its children. In Lebanon, we know better than anyone else how central Syria's role has been throughout history. We regret the deaths of the victims. We extend our condolences to their families and hope that Syria will enjoy peace and progress.

Mr. Amieyeofori (Nigeria): I, too, would like to thank Under-Secretary-General Pascoe for his comprehensive and insightful briefing on the situation in Syria.

Nigeria shares the concerns of most delegations on the widespread violence that has engulfed Syria since late March and led to hundreds of deaths and injuries. We call for an end to the violence and bloodshed and urge all the parties to maintain calm and restraint.

In these circumstances, we want to reiterate the importance of the protection of civilians, respect for human rights and the need to uphold the right to peaceful assembly. The lifting of the 48-year old emergency law and the programme of reforms announced by the Government, although long overdue, are steps in the right direction. We therefore encourage the Government of Syria to consolidate this process and to swiftly implement these measures.

In our view, resolving the Syrian crisis, as most speakers have noted, requires some measure of caution, as this crisis could negatively affect regional peace and security.

Finally, we call for an inclusive dialogue and genuine reforms that address the legitimate concerns and aspirations of the Syrian people, including a democratization process that will promote peace and stability in the country. In this regard, we welcome the statement issued by the League of Arab States. Our view is that the Arab League has an important role to play in the efforts to resolve the Syrian crisis. We urge the Syrian authorities to provide access for international aid and assistance to those in need of care and drugs in order to halt the deteriorating situation in the country.

Mr. Barbalić (Bosnia and Herzegovina): At the outset, allow me to thank Under-Secretary-General Lynn Pascoe for providing us with the briefing on recent developments in Syria.

Bosnia and Herzegovina expresses its deep concern with regard to the situation in Syria and its regret over the loss of life and the high number of injuries. We offer our most sincere condolences to the families and friends of those who have lost their lives. We also join others today in condemnation of the ongoing violence which must stop immediately. All those responsible for these crimes must be brought to justice and held accountable for their actions.

We take note of the lifting of the state of emergency and of the programme of reforms announced by President Al-Assad. We share the view of the Secretary-General that the effective implementation of reforms is necessary to address the legitimate aspirations of the Syrian people and ensure social peace and order in Syria. Moreover, it is our strong belief that the aspirations and demands of the people should be addressed through an inclusive and meaningful Syrian-led ballot.

In conclusion, Syria's critical importance to the peace and security of the Middle East cannot be overstressed. Therefore, while fully supporting Syria's sovereignty and territorial integrity, we strongly believe that the aspirations and demands of the people should be addressed through an inclusive and meaningful Syrian–led ballot.

Mr. Moraes Cabral (Portugal): I wish to thank Under-Secretary-General Lynn Pascoe for his briefing.

Dramatic events in the region are quickly changing the face of the Middle East. Like those elsewhere in the region, people in Syria are demanding freedom, democracy and reform. The one and only way to respond to such legitimate aspirations is through genuine and inclusive dialogue. Violence and repression can never be the answer.

Portugal is gravely concerned about the situation in Syria and the increasing levels of violence resulting in hundreds of deaths and injuries. We extend our condolences to the families of all the victims. We strongly condemn the violence against peaceful demonstrators and call for an immediate end to the violence and for those responsible to be held accountable. We support the Secretary-General's call for an independent, transparent and effective investigation into the killings.

Portugal takes note of the Syrian Government's decision to lift the state of emergency, of the laws introduced over the past few days, and of the announced intention to proceed with political reform. These measures and intentions must nevertheless be credible, carried out in an effective way and translate into real improvements and effective reform. Syrian authorities have an obligation to respect human rights, including the right to freedom of expression and peaceful assembly, as well as freedom of the press, and to respect the integrity and dignity of arrested persons and their right to due legal process.

My country is mindful of Syria's critical importance to the peace and security of the Middle East. We also remain fully committed to the independence, sovereignty, unity and territorial integrity of Syria. Portugal welcomes and supports the statement issued by the General Secretariat of the League of Arab States on the current developments in an increasing number of Arab cities, its appeal to Governments to commit to an immediate implementation of reform, and the forthcoming meeting of the League's Foreign Ministers.

Portugal calls once again upon the Government to Syria to show all possible restraint and to ensure the protection of its citizens. We call upon all parties in Syria to engage in a genuine, comprehensive and inclusive dialogue and to embark on an inclusive and sustainable reform process.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Colombia.

We have taken careful note of the briefing of Under-Secretary-General Lynn Pascoe, for which we thank him.

Colombia expresses its concern over the deterioration of the situation in Syria and deplores the violent repression to which demonstrators have been subject, as well as the deaths of many civilians. We believe that it is unacceptable to use disproportionate force against the civilian population and therefore call for the immediate cessation of all acts of violence as an indispensable element of a solution to the crisis.

It is the responsibility of the Syrian Government to respect and protect the individual freedoms and fundamental rights of the entire population. In order to restore peace and order, the Government must guarantee all citizens the right to life and the full exercise of their freedom of expression and right to peaceful assembly, in strict compliance with its international obligations and the provisions of international human rights law.

We note the lifting of the state of emergency and the programme of reforms announced by President Bashar al-Assad, and hope that, through an inclusive dialogue and the effective application of these reforms, progress can be made towards social peace and order.

Colombia urges the civil authorities and the demonstrators to find a way to build channels of social and political dialogue that respond effectively to the legitimate aspirations of the Syrian people to a just, equitable and democratic society in which citizens can freely exercise their fundamental rights and freedoms. Colombia reiterates the urgent need to end the violence and calls strongly for the respect of human rights of Syrian citizens. We look forward to an independent and transparent investigation into the killings, and support initiatives to find a political solution that will bring the parties closer together and contribute to an end to the violence.

I now resume my functions as President of the Council.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): More than six weeks have passed since the onset of acts of violence perpetrated by extremist groups whose fundamental goal is clearly the fall of the Syrian Government. Throughout this time, law enforcement authorities have exercised the utmost restraint, in order to avoid the killing of innocent civilians. However, those groups, which included armed criminal elements, have continued to kill innocent citizens and many members of the security forces, as well as to attack Government facilities and army and law enforcement installations.

As the Security Council is aware, the Government has taken many measures in response to legitimate popular demands, including the lifting of the state of emergency, the abolition of the High Security Court and the issuance, for the first time in Syria's history, of a legislative decree on peaceful demonstrations. Measures have also been taken to combat corruption and to respond to popular demands on issues related to the daily lives of Syrian citizens. Moreover, I would like to draw the Council's attention to the fact that there will be further measures by the Government to bolster reform in the country, following calls from several members of the Council.

Rather than backing down in the light of the reform measures taken by the Syrian leadership, regrettably, the parties behind the demonstrations have responded with further attacks against army positions and by destroying security installations, killing many security personnel, mutilating corpses, raising slogans of incitement and burning private and public establishments. I have here with me the names of 51 members of the armed forces who were killed by these armed gangs. The list includes the names of both soldiers and officers. I would be happy to provide copies to anyone who would like one.

In response to popular demands, the President of the Syrian Arab Republic has met with delegations from every province in the country in order to respond directly to citizen complaints and demands. The President has issued instructions to respond to all legitimate demands, including investigating all acts of killing and declaring that all civilian and military casualties are to be considered as martyrs.

Faced with these initiatives of openness by the State and its institutions, those who are attempting to undermine Syria have tried to exploit the positive environment in order to erode the country's security and stability by blocking roads, threatening citizens, forcing schools and Government institutions to close and continuing to carry out acts that run counter to the interests of citizens, their security and their ability to live normal lives throughout the country.

That campaign within Syria has gone hand-in-hand with an unprecedented media campaign in the region against Syria and its national and Arab policies. There has been incitement to terrorism and sabotage. Doubts have been sown as to the Government's intent. In many cases, facts have been turned on their heads. Demonstrators have been incited to burn State property and raise doubt about its position on events. There has been encouragement to acts of violence and justification for it, in an attempt to make the Government's reform efforts null and void. There have also been fatwas from beyond our borders, calling for opposition to authority and State institutions.

That campaign has been accompanied by information confirming that official parties outside the country have been financing and responsible for inciting acts of sabotage against Syria, its people and its leadership. For example, let me refer to an article in the *Washington Post* dated Monday, 18 April, which states that, since 2006, the State Department has provided up to $6 million to several Syrian opposition figures to run a satellite television station called Barada, which is headquartered in London. In addition, since 2005, the United States Administration has provided financial support to Syrian opposition figures. All of this is part of a long-term campaign that, according to the *Washington Post*, "is aimed at the regime of President Bashar Al-Assad. To complete the picture of this conspiracy against my country, allow me to refer the Council to the statement made to a number of media outlets by a Syrian opposition figure living in France, namely, that he had received offers from three foreign parties to bring weapons into Syria.

These actions have had a negative impact on our national economy. Markets are stalled. Tourism has come to a halt. Investment is down. All of this is part of an effort to heighten instability in as many Syrian cities and villages as possible.

The authorities, within the responsibility that they have to protect Syria and its borders with neighbouring countries, have stopped many arms shipments that had been sent to groups attempting to undermine stability and security in the country. It has been proved that those weapons were sent from overseas by extremist religious groups to their agents inside the country with the goal of killing innocent people, burning public and private institutions and, in general, causing chaos in the country. It was natural, under such circumstances, for the State to undertake to fulfil — just as would any other State facing such threats and dangers — its fundamental responsibility to respond to the calls of its citizens, who had been enjoying peace and security.

The Syrian leadership is convinced that such extremist circles do not want reform; they want to overthrow the Government through killing and chaos. It was thus natural for the Syrian leadership to respond to the appeals of its citizens that it save them from the actions of such terrorist extremist groups and to restore order to the country. That is exactly what happened in the city of Dar'a, which Mr. Pascoe mentioned earlier. Security forces found large numbers of sophisticated weapons, including machine guns and advanced communications equipment. The operation also led to the detention of a large number of members of those extremist groups that have been sowing terror and death; other groups managed to escape outside the province. The detainees have admitted to their crimes and to the fact that they had received large sums of money for their acts, which the State can neither accept nor justify.

Syria sees no justification for a debate on this issue in the Security Council. We view with grave suspicion the attempts made by some to give the impression that the Syrian State does not protect its people. While armed groups have committed acts of killing and destruction, as I have stated, let me stress that no one has the right to protect, or even hint at protecting, such groups. The Syrian State is defending its people. It is saving them from the seditious plots being hatched by Syria's enemies in an attempt to undermine its security and independence. It is rejecting the massive political pressure brought to bear by some from outside the country to change national policies that serve the interests of the people and the nation.

In order to safeguard the rights of all Syrian citizens, a judicial commission has been set up to investigate all cases involving losses of life among civilians and military personnel, which are regrettable, as a result of the latest clashes.

The falling of even one victim from my Government, which we regret, is too high a price to pay. As a Government, we cannot accept that some claim to value the lives of our sons more than we do. Policies of interference in the affairs of other States on the basis of various pretexts and justifications have always proved to be erroneous. We believe that some of the statements we have heard today against Syria can only be considered an encouragement to extremism and terrorism. The price will be paid by innocents in Syria and the rest of the world. Stability and peace in the region will also pay a price.

We cannot be convinced that the convening of such meetings serves the interests of the Syrian people, even as it is interpreted by extremist groups as international support for them and their wrongful practices.

We reaffirm that the age of colonialism has passed. All the peoples of the world are now aware of the new methods used by some States to interfere in the affairs of other States, be it in the framework of the so-called responsibility to protect or that of humanitarian intervention, which have been rejected by all developing countries, even as attempts are being made to ram them through international forums, including the United Nations. We have always feared that the use of such lofty concepts would undermine the unity, sovereignty and independence of the peoples of the developing countries.

Syria stresses that what is happening on the ground can in no way be considered peaceful demonstrations. Otherwise, how could so many martyrs have fallen among our security forces, our army and our innocent civilians? Syria also stresses that it will move forward on the road of reform, as announced by the President of the Syrian Arab Republic. We will continue to satisfy the legitimate demands of our citizens; we will continue to protect their lives and property. We will not allow terrorism or extremism to kill our people.

The attempt by some members of the Security Council, with unprecedented enthusiasm, to bring what is a Syrian internal affair under the agenda item entitled "The situation in the Middle East" — an item devoted fundamentally to seeking a peaceful settlement to the Arab-Israeli conflict and the establishment of a Palestinian State according to well-known international terms of reference — makes us and many others wonder about the decades-long lack of such enthusiasm in attempting to end the Israeli occupation of Arab lands occupied since 1967. However, for us the answer is clear. It is a policy of double standards. It is the dominance of the rule of force over the rule of law. If there is any doubt as to the truth of what we are saying, we would ask why some have used the so-called right of veto 48 times to protect Israeli aggression and occupation, most recently a scant two months ago — a veto that led to the aborting of an international resolution condemning Israeli settlement of occupied Palestinian land.

We expect from the leaders of the members of the Security Council that they encourage further national reform instead of attempting to ignore the path of reform and to sow doubt as to the continuing attempts at reform by my Government — a reform that is ongoing and will continue.

In this context, we find it truly strange to hear the Permanent Representative of the United States of America make unfounded claims, which can in no way be considered serious or legitimate, concerning Syria's alleged exploitation of its special relations with Iran to "repress" Syrian citizens. This surreal, Hollywood-style attempt to link the two countries reflects a lack of respect for the Security Council and its responsibility to protect international peace and security, and clearly reveals the United States Administration's true ill will towards my country. Such designs have no bearing whatsoever on the interests of Syria, its people or its Government.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.20 p.m.

United Nations

S/PV.6525

Security Council

Sixty-sixth year

Provisional

6525th meeting

Thursday, 28 April 2011, 11 a.m.
New York

***President*:**	**Mr. Osorio**	**(Colombia)**
***Members*:**	**Bosnia and Herzegovina**	**Ms. Čolaković**
	Brazil	**Mr. Fernandes**
	China	**Mr. Yang Tao**
	France	**Mr. Briens**
	Gabon	**Mr. Messone**
	Germany	**Mr. Wittig**
	India	**Mr. Hardeep Singh Puri**
	Lebanon	**Mr. Assaf**
	Nigeria	**Mr. Amieyeofori**
	Portugal	**Mr. Madureira**
	Russian Federation	**Mr. Churkin**
	South Africa	**Mr. Mashabane**
	United Kingdom of Great Britain and Northern Ireland	**Sir Mark Lyall Grant**
	United States of America	**Mr. Dunn**

Agenda

The situation in Côte d'Ivoire

Letter dated 20 April 2011 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2011/271)

Letter dated 20 April 2011 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2011/272)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

11-31457 (E)

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The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

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The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Côte d'Ivoire to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2011/273, containing the text of a draft resolution submitted by France.

I wish to draw the attention of Council members to documents S/2011/271 and S/2011/272, respectively containing letters dated 20 April 2011 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America.

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1980 (2011).

I now give the floor to the representative of Côte d'Ivoire.

Mr. Bamba (Côte d'Ivoire) (*spoke in French*): My delegation welcomes the adoption by the Security Council of resolution 1980 (2011), which reintroduces the embargo on arms imports into Côte d'Ivoire and renews the travel ban and financial freeze imposed on a number of political actors linked to the Ivorian crisis, in accordance with the relevant provisions of preceding Council resolutions on the matter, particularly resolutions 1572 (2004), 1643 (2005), 1946 (2010) and 1975 (2011).

We believe that the sanctions regime, extended by one year to 30 April 2012, is necessary in particular to consolidate the end of the state of belligerence in which Côte d'Ivoire has suffered over the past four months. Indeed, like other nations, my country wishes to strive for socio-economic development in a climate of peace and security. We cannot allow those efforts to be undermined by an environment of large-scale illicit arms flows.

My delegation also believes that the resolution, which very explicitly urges all illegal armed combatants to lay down their arms, should contribute significantly to the restoration of peace and security in Côte d'Ivoire. Among other things, the resolution encourages the United Nations Operation in Côte d'Ivoire (UNOCI) to continue to assist the Ivorian Government in collecting and storing arms. My country, for its part, will take all measures necessary to prevent the future distribution of weapons. Of great importance to us is the fact that the concerns of my Government have been taken into consideration with respect to possible exemptions submitted to the Committee established pursuant to resolution 1572 (2004) in the context of the vast security sector reform programme.

Two weeks after the departure of Mr. Gbagbo from the seat of authority he had usurped following his presidential electoral defeat on 28 November 2010, life in Côte d'Ivoire is slowly but surely returning to normal. The President of the Republic, His Excellency Mr. Alassane Ouattara, and his Government are currently trying to address urgent matters in order to improve the daily lives of our people. Among his primary concerns is the restoration of public order and security, particularly in the economic capital of Abidjan.

Some rapid progress has been seen as the last bastions of insecurity have been eliminated, particularly in Abobo and Yopougon. First, the police stations and gendarmerie brigades have mostly returned to service, although they are suffering significant equipment and logistical shortages. Additional joint patrols with UNOCI forces are of great comfort to the people, who are beginning to circulate freely once again.

Secondly, the humanitarian situation is now being managed more effectively. Health care and medicine are being offered free of charge in all hospitals and public health facilities. Humanitarian organizations enjoy greater freedom of movement thanks to gradually improving security and are able more easily to provide assistance to those in need. The disposal of bodies and street-cleaning have been effective in reducing the dangers of epidemics. The displaced are returning to their homes. Water and electricity are now available throughout the country.

Thirdly, administrative, economic and social activities have resumed. All ministries and principal State services have returned to work. All the major banks are running and open to the public, particularly in order to pay salaries for March and April. Public transportation is running normally and most businesses have reopened. With respect to school, classes are slowly resuming and teachers are busy assessing their facilities following the looting of classrooms, and are organizing the resumption of courses.

In addition to these immediate priority challenges, the most important for the President of the Republic, his Government and the entire Ivorian people to address is that of national reconciliation. Indeed, given the deep damage to the social fabric and national cohesion wrought by 10 years of political and military crises in our country — with all the concomitant misunderstandings, divisions, intolerance, unjustified hatreds, indiscriminate violence, grief and trauma suffered to various degrees by every Ivorian family — it is unthinkable that national reconstruction can be reliably achieved without ownership of that noble task by all sons and daughters of Côte d'Ivoire working together in solidarity.

President Ouattara, mindful of all that is at stake, has decided to establish in the coming weeks a truth and reconciliation commission modeled on that created by President Mandela in South Africa following the fall of apartheid. In fact, President Ouattara believes that the reconciliation so devoutly desired in Côte d'Ivoire will require the truth surrounding all the crimes and atrocities that have been perpetrated.

In addition, justice must be rendered to the victims and their relatives so as to prevent impunity. Only then will forgiveness play a role and lead to the necessary reconciliation among ourselves.

The establishment in the near future of a broad-based Government that includes all political forces and members of civil society also reflects this will to achieve national reconciliation.

Any reconciliation is a process; the reconciliation that we in Côte d'Ivoire hope for is no different. But I would say that our process is part of the emergence of democracy in our country, wherein the Ivorian people have chosen a new President after a free, fair and transparent election. National reconciliation, no doubt, will lay a solid foundation to allow the rule of law to take root in Ivorian society. That is, at any rate, the desire of the Ivorian people and the will of President Alassane Ouattara, who will spare no effort to achieve this.

In conclusion, I would like to express my Government's satisfaction at being able to soon welcome in Côte d'Ivoire a working mission from the Department of Peacekeeping Operations. We hope that this visit will provide an opportunity for exchanges allowing us to together take stock of the tremendous challenges that remain to be overcome in the areas of peacebuilding, security, reconstruction and national reconciliation.

The President (*spoke in Spanish*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 11.25 a.m.

United Nations

S/PV.6526

Security Council

Sixty-sixth year

Provisional

6526th meeting

Monday, 2 May 2011, 5 p.m.
New York

***President*:**	**Mr. Araud**	**(France)**
***Members*:**	**Bosnia and Herzegovina**	**Mr. Barbalić**
	Brazil	**Mrs. Viotti**
	China	**Mr. Li Baodong**
	Colombia	**Mr. Osorio**
	Gabon	**Mr. Messone**
	Germany	**Mr. Wittig**
	India	**Mr. Manjeev Singh Puri**
	Lebanon	**Mr. Salam**
	Nigeria	**Mr. Amieyeofori**
	Portugal	**Mr. Cabral**
	Russian Federation	**Mr. Pankin**
	South Africa	**Mr. Laher**
	United Kingdom of Great Britain and Northern Ireland	**Sir Mark Lyall Grant**
	United States of America	**Ms. Rice**

Agenda

Threats to international peace and security caused by terrorist acts

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The meeting was called to order at 5.30 p.m.

Expression of thanks to the outgoing President

The President (*spoke in French*): As this is the first meeting of the Security Council for the month of May, I should like to take this opportunity to pay tribute, on behalf of the Council, to Mr. Néstor Osorio, Permanent Representative of Colombia, for his service as President of the Security Council for the month of April 2011. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Osorio and his delegation for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President (*spoke in French*): I wish to welcome the presence of His Excellency Secretary-General Ban Ki-moon at this meeting.

The Security Council will now begin its consideration of the item on its agenda.

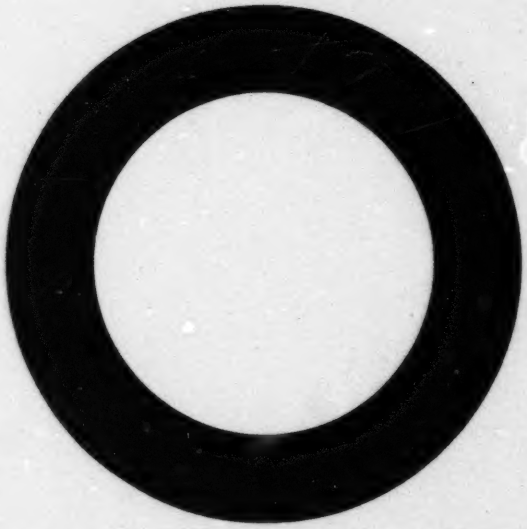
Following consultations among Council members, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council recalls its resolutions regarding Osama Bin Laden and its condemnation of the Al-Qaida network and other associated terrorist groups for the multiple criminal terrorist acts aimed at causing the deaths of numerous innocent civilians and the destruction of property.
>
> "The Security Council also recalls the heinous terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C., and Pennsylvania and the other numerous attacks perpetrated by the network throughout the world.
>
> "In this regard, the Security Council welcomes the news on 1 May 2011 that Osama Bin Laden will never again be able to perpetrate such acts of terrorism, and reaffirms that terrorism cannot and should not be associated with any religion, nationality, civilization or group.
>
> "The Security Council recognizes this critical development and other accomplishments made in the fight against terrorism and urges all States to remain vigilant and intensify their efforts in the fight against terrorism.
>
> "The Security Council expresses once again its deepest sympathy and condolences to the victims of terrorism and their families.
>
> "The Security Council reaffirms the importance of all its resolutions and statements on terrorism, in particular resolutions 1267 (1999), 1373 (2001), 1624 (2005), 1963 (2010) and 1904 (2009), as well as other applicable international counter-terrorism instruments, stresses the need for their full implementation and calls for enhanced cooperation in this regard.
>
> "The Security Council further reaffirms its call on all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of terrorist attacks and its determination that those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable.
>
> "The Security Council reaffirms that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.
>
> "The Security Council stresses that no cause or grievance can justify the murder of innocent people and that terrorism will not be defeated by military force, law enforcement measures and intelligence operations alone, and can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States and relevant international and regional organizations and civil society to address the conditions conducive to the spread of terrorism and to impede, impair, isolate and incapacitate the terrorist threat."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2011/9.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 5.35 p.m.



United Nations

S/PV.6527

Security Council

Sixty-sixth year

Provisional

6527th meeting

Tuesday, 3 May 2011, 3 p.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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Please recycle

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Abdel-Elah Mohamed Al-Khatib, Special Envoy of the Secretary-General to the Libyan Arab Jamahiriya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Al-Khatib.

Mr. Al-Khatib: I thank the Security Council for this opportunity to brief it once again on the situation in Libya and on my continuous efforts to establish and maintain a dialogue with all sides concerned on implementing resolutions 1970 (2011) and 1973 (2011). Let me start by highlighting the latest significant developments in Libya.

Most recently, intense fighting has expanded into the south and west of the country. Heavy fighting has continued between pro-Al-Qadhafi troops and the opposition forces in the western region, the Western Mountains and Nalut district, including the cities of Yafran and Zintan, as well as in the south-eastern part of the country, including Kufra and Jalu.

Fighting has broken out in the Western Mountains. As a result, clashes spilled over into the eastern Tunisian city of Dehiba during attempts by pro-Al-Qadhafi and opposition forces to control the key border post on either side of the Libyan-Tunisian frontier, the Dehiba-Wazin border crossing. The Tunisian army has strengthened its positions on the southern border with Libya. Thousands of ethnic Berbers have fled from Libya into Tunisia. In the remote south-eastern corner of the country, the regime forces have allegedly advanced and seized control of the town of Kufra. Furthermore, pro-Al-Qadhafi forces stormed the oasis town of Jalu, south of Ajdabiya, on Sunday, 1 May.

For the past few months, as the Council is aware, fighting has continued to intensify in the western city of Misrata, which is the third-largest city in Libya and the main gateway before reaching the Libyan capital, Tripoli. Despite Colonel Al-Qadhafi's televised statement on 30 April that he was ready for a ceasefire and negotiations, provided NATO stopped its planes, Tripoli has declared a sea blockade on the besieged city of Misrata.

Last Saturday afternoon, 30 April, I received a message from Colonel Al-Qaddafi, reporting that NATO had bombed his family's home and had killed his son, Saif Al-Arab, and some of his grandchildren and that he and his wife had survived the attack. Colonel Al-Qaddafi called on the international community to act, saying that the current situation was no longer tolerable.

I responded by expressing my condolences to Colonel Al-Qadhafi, his family and all the Libyan families that had lost children and loved ones. In addition, I stated that his tragic loss highlights the need to immediately stop the use of force in a manner that would open the path to a political solution, consistent with the legitimate demands and aspirations of the Libyan people.

The United Nations premises in Tripoli were ransacked later that night. The United Nations humanitarian mission in Tripoli had to leave temporarily due to the overall security situation. The Government sent another letter to me on 2 May, expressing its regret over the damage done to the United Nations building in Tripoli. It apologized for the incident and reiterated the important role of the United Nations, especially concerning the humanitarian aspects.

As Mr. Pascoe briefed the Council extensively a few days ago on the humanitarian situation in the country, I will provide only the latest updates. More than 665,000 people have fled Libya since the beginning of the conflict. As hostilities in the Nafusa/Western Mountains continue, fighting in Zintan and Nalut and around Wazin has led to around about 39,000 people crossing into Tunisia to date, and more than 21,500 since 21 April.

Sea mines were discovered offshore of Misrata on 30 April. Reports indicate that Government forces are bombarding the port area and other parts of Misrata. A ship belonging to the International Organization for Migration (IOM) has been prevented from docking since Saturday to evacuate about 1,000 people, mainly African migrants and dozens of wounded Libyan civilians. The International Committee of the Red

Cross has suspended sea operations temporarily. To date, IOM has evacuated about 12,000 people, mostly third-country nationals, from Misrata. IOM estimates that a further 500-1,500 people need to be evacuated.

Since my last briefing to the Council (see S/PV.6509), I understand that members have been briefed extensively on the Doha and Cairo conferences by the Secretary-General and the Under-Secretary-General for Political Affairs. Therefore, let me start from that point onwards.

On 17 April, I visited Tripoli for the third time. I was accompanied by Under Secretary-General for Humanitarian Affairs, Ms. Valerie Amos, and we met with senior Government officials, including the Prime Minister, Mr. Al Baghdadi Ali Al-Mahmoudi, Foreign Minister Abdulati Al-Obeidi, and other senior officials to further discuss the political and humanitarian situation in Libya in light of recent developments. The Libyan Government signed a humanitarian agreement with the United Nations to allow international humanitarian access to all areas of Libya that are affected by the conflict. The Government agreed that it would allow safe access to humanitarian workers to provide assistance to those in need and allow foreign workers to leave the country if they wished to do so.

I went to Benghazi again on April 29 to meet with the Interim Transitional National Council (TNC). I am grateful to the Italian Government for facilitating and providing the necessary assistance for this particular trip. I met with the Chairman of the TNC, Mr. Mustafa Abdeljalil, and several other Council members. I also met with the international community and donors in Benghazi, as well as with United Nations staff members, whose humanitarian work is very much appreciated.

In all my meetings and discussions with the Libyan authorities and the TNC, I strongly and continuously reiterated the calls of the Secretary-General and the international community for the full implementation of resolutions 1970 (20110 and 1973 (2011), and condemned the use of force against the civilians of Libya. I stated that the Government must take full responsibility for meeting the aspirations of its people and ensuring the full implementation of Security Council resolutions. In this context, I urged the Libyan authorities to guarantee the delivery of humanitarian assistance to all those in need, especially in Misrata. I reiterated the call for the full implementation of a real and verifiable ceasefire as a first step of an inclusive political process that would lead to a truly genuine national dialogue and political transition. Concerning Misrata, I urged the Government to stop all military action immediately.

I attended the meeting of the African Union (AU) Ad Hoc High-Level Committee on 25 April. In addition to meeting with the Foreign Ministers of the High-Level Committee, I met with senior officials of the African Union, Libyan Government representatives, including the Libyan Foreign Minister, and opposition representatives. The AU Committee stands by its position that the Libyan parties should come to the negotiating table as part of a political process to discuss issues of major concern, including a ceasefire, in the framework of the resolutions 1970 (2011) and 1973 (2011), and that the African Union should play a major role in monitoring a ceasefire mechanism, in close cooperation with the United Nations.

The role of the African Union, along with other regional and international organizations, is critical. I continue to reiterate the need for the United Nations and regional organizations, including the African Union, the League of Arab States and others, to work together to find a lasting solution to the Libyan crisis.

On 28 April, I met with the Turkish and Italian Foreign Ministers to discuss the ongoing crisis in Libya in the framework of resolutions 1970 (2011) and 1973 (2011). In Ankara, I exchanged views with the Foreign Minister of Turkey on the implementation of a ceasefire and the way forward to bring about a solution to the situation in Libya. He reiterated Turkey's determination to fully coordinate all diplomatic activity regarding the Libyan crisis with the United Nations. The Government of Turkey has been at the forefront in providing humanitarian assistance, carrying hundreds of injured people from the Libyan city of Misrata to Benghazi last month on humanitarian ships.

I met with the Foreign Minister of Italy on 28 April. We stressed the urgent need to protect civilians and assist the Libyan people to meet their legitimate demands and aspirations, while emphasizing the need to continue facilitating a coordinated international approach to providing humanitarian assistance to those in dire need.

Let me move on to the positions of the Libyan parties on a ceasefire. The Libyan authorities and the TNC alike have informed me that they are ready and willing to implement a ceasefire, provided that the other party does the same. Both sides have stated that they are ready to cease all hostilities if there is a genuine desire on the part of the other party to do the same in a just manner.

However, for the Libyan authorities, a ceasefire must be accompanied by an end to the attacks by NATO in order to pave the road to national dialogue. They have told me that if NATO attacks were to stop, the Libyan Government would be in a position to hold discussions about elections, democracy and constitutional reform. The Libyan authorities have stated that the way out of this impasse is to determine a specific date and time for a ceasefire under the supervision of impartial monitors, at which time the indiscriminate bombings against the military and civilians must stop simultaneously. Government officials have also agreed that the United Nations should coordinate an international monitoring mechanism for the ceasefire, in close collaboration with the African Union.

The TNC, on the other hand, has indicated to me that a ceasefire would not be sufficient to end the conflict in Libya if it is not directly linked to the departure of Colonel Al-Qadhafi and his family. The TNC has made it clear that its position is that no negotiations will take place with either Colonel Al-Qadhafi or his family.

I have emphasized to both parties that a real and verifiable ceasefire should be part of wider measures, to include lifting the siege on all cities, especially Misrata and Zintan; withdrawing military forces from all cities; allowing immediate humanitarian access and assistance to all cities under military attack; releasing all detainees; resuming delivery of basic supplies, including water, electricity, medical supplies, fuel and communication services, to all parts of the country; and securing the passage of foreign workers stranded in these cities.

As for their willingness to start a national dialogue, the Government authorities have said they are willing to engage in a national political dialogue to discuss all relevant reforms in the country with all those concerned. In addition, they have stated that national legal institutions have started to investigate the events that led to the crisis, in an attempt to comply with Security Council resolutions.

The TNC has provided a road map for a transitional process. They have called upon the international community to recognize the TNC as the legitimate and sole interlocutor between the Libyan people and the international community. The road map mentions the next steps that they envisage in the political and economic domains.

On the issue of frozen assets, the Libyan Government has stated that it is presently facing severe humanitarian shortages as a result of the assets freeze imposed by paragraph 17 of resolution 1970 (2011). They have expressed grave concern about the impact of certain aspects of resolution 1973 (2011), especially on the delivery of basic goods and services to the general population. In that context, the Government has requested that it be allowed to use frozen assets for the basic needs of the Libyan people. They have also protested the sale of crude oil.

As the Special Envoy to Libya, I am in constant contact with leaders and interlocutors, in a formal and an informal manner. I will continue to exert every effort to try to find a lasting solution to the Libyan crisis, in accordance with the Security Council's resolutions. In order to be successful in that endeavour, it is important to strengthen a sense of convergence of goals and process among all actors who are working towards a peaceful solution to the Libyan conflict. Each country and regional organization that has undertaken efforts to find a lasting solution brings with it special assets and perspectives. I will therefore continue to engage with Member States and regional organizations to ensure that those efforts are unified and that they send a coherent message.

My immediate task is to continue to undertake urgent consultations with the authorities in Tripoli and Benghazi, and with other concerned interlocutors, on the key elements of resolutions 1970 (2011) and 1973 (2011) — which are, unrestricted access for humanitarian assistance wherever it is needed, an immediate ceasefire and a political process that meets the aspirations of the Libyan people.

The establishment of a United Nations and other humanitarian presence in Benghazi and the 17 April agreement signed with the Libyan Government on humanitarian assistance are the first steps necessary for that objective. In that regard, humanitarian ceasefires need to be part of the negotiations to ensure the provision of protection and humanitarian assistance to vulnerable populations, preserve humanitarian space and promote better respect for international humanitarian law.

A real and credible ceasefire must be agreed upon to suspend aggressive actions and killings of innocent civilians, including women and children. A ceasefire must be declared either formally or, in a first step, as part of an informal understanding between the opposing forces in Libya. Both sides have expressed their agreement on the need for a verifiable ceasefire. I am working with experts in the United Nations and with representatives of regional organizations, especially the African Union, on the specific modalities that could be involved.

The challenge in the communications and negotiations is a multifaceted and sensitive one that is time-bound, where the difficulty lies in how to link a credible and verifiable ceasefire with a lasting political process that remains inclusive of all relevant parties. The main difficulty at this stage is getting all sides to agree on the essential elements of a political process that meets the aspirations of the Libyan people. To achieve that, I hope to have the Council's continued, full and unhindered support.

The President (*spoke in French*): I thank Mr. Al-Khatib for his briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.25 p.m.

United Nations S/PV.6528

Security Council

Sixty-sixth year

Provisional

6528th meeting

Wednesday, 4 May 2011, 10 a.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

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11-32142 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to participate in this meeting.

I give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: I am honoured to report to the Council on the activities of the Office of the Prosecutor in furtherance of resolution 1970 (2011). The Council adopted resolution 1970 (2011) unanimously on 26 February, referring the situation in Libya to the International Criminal Court (ICC) and stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians.

My report, submitted for the Council's consideration in advance of this meeting, describes in detail the factual and legal analysis conducted by the Office in order to implement that resolution. Based on that analysis, we decided to open an investigation on 3 March. In carrying out the mandate given it by the Council under resolution 1970 (2011), the Office must apply the norms established by the Rome Statute. It must establish the truth about crimes alleged to have been committed in Libya through an independent and impartial investigation. This is what we are doing.

To investigate the crimes committed in Libya, the Office has conducted more than 15 missions to 10 different States. As of 26 April, 45 interviews of individuals with direct knowledge of the crimes committed had been initiated or completed. More than 569 documents, including videos and pictures, had been collected and reviewed. The Office has taken no statement inside Libya in order to fulfil its duty to protect witnesses.

The cooperation received from States and regional and other international organizations, in accordance with paragraph 5 of resolution 1970 (2011), was a critical component of the fast progress of the Libyan investigation.

The Commission of Inquiry created by the Human Rights Council has also been cooperating with the Office since its creation, and has indicated its willingness to continue to do so. The Commission of Inquiry is in the process of preparing its report to the Human Rights Council, which is to be completed by the end of May. We are looking forward to its report and to having access to the data compiled by the Commission, which will be very useful to the Prosecution for future action. We have discussed with the Commission Chair the difficulties involved in unveiling the truth while an armed conflict is ongoing, and the importance of the Commission's field activities.

The evidence collected has confirmed the fears and concerns expressed in resolution 1970 (2011). Two months ago, the Security Council expressed grave concern at the situation in the Libyan Arab Jamahiriya, condemning the violence and use of force against civilians, and deplored the gross and systematic violation of human rights, including the repression of peaceful demonstrators and the deaths of civilians. Resolution 1970 (2011) rejected unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan Government, and considered that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population could amount to crimes against humanity.

The evidence collected by the Office of the Prosecutor confirms that assessment. It establishes reasonable grounds to believe that widespread and systematic attacks against the civilian population, including murder and persecution as crimes against humanity, have been and continue to be committed in Libya. In additionally, since the end of February there has been an armed conflict in Libya. In this context, there is also relevant information on the alleged commission of war crimes. The work of the Commission of Inquiry will be crucial to fully understanding the crimes committed during the armed conflict.

Let me start by describing the incidents of crimes against humanity that the Office investigated. The evidence shows that security forces have been systematically shooting at peaceful protesters, following the same modus operandi in multiple locations. The evidence shows that events in neighbouring Egypt and Tunisia prompted Libyan security forces to begin preparations for the possibility of demonstrations in Libya. As early as January, mercenaries were being hired and brought into Libya.

The incidents started on 15 and 16 February. Security forces arrested two lawyers who were requesting justice for the 1,400 victims of the 1996 Abu Salim prison massacres. On 17 February, thousands of peaceful demonstrators protesting these arrests congregated in the square around the High Court of Benghazi. Security forces entered the square and reportedly fired live ammunition into the crowd, killing numerous demonstrators. This was the beginning of a series of similar incidents in different cities across Libya.

The efforts to cover up the crimes have made it difficult to ascertain the precise number of victims, but there is credible information suggesting that, merely as the result of such shootings, 500 to 700 persons died in February alone. It is difficult to estimate the total numbers because dead bodies were removed from streets and hospitals. Doctors were not allowed to document the number of dead and injured admitted to hospitals after the violent clashes began. Security forces were allegedly stationed in the hospitals and arrested injured individuals who sought medical treatment. Being injured became evidence of opposing the regime, and challenging the authority of the regime is a crime under Libyan law. To avoid punishment and risk of death, many protestors sought medical attention in private homes and did not bring injured or dead persons to the hospitals.

In addition to such incidents, information collected by the Office shows that civilians in Tripoli and other areas under the control of the regime are reportedly subject to different forms of persecution. Systematic arrests, torture, killings and enforced disappearances have been reported in Tripoli, Zawiyah, Zintan and the area of the Nafusa Mountains. The victims are civilians who have participated in demonstrations, are considered to be disloyal to the regime, or have talked to international media, activists or journalists. In addition, citizens of Egypt and Tunisia were arrested and expelled en masse because of their perceived association with the popular uprising. The mosques where they prayed were destroyed.

There is also relevant information concerning the alleged commission of rape. Victims of rape have reportedly been arrested and subject to harassment. In one high-profile case, a woman gave a report to the international media of how she had been raped by security forces because of her suspected association with the rebels. The Office is investigating these allegations.

Several sources have also reported the unlawful arrest, mistreatment and killing of sub-Saharan African civilians wrongly perceived to be mercenaries. Reportedly, angry mobs of protesters assaulted sub-Saharan Africans in Benghazi and other cities and killed dozens of them. The new authorities in Benghazi allegedly arrested a number of sub-Saharan Africans, and it is unclear whether they were innocent immigrant workers or combatants, become prisoners of war.

In addition, specific allegations of war crimes committed include the use of imprecise weaponry such as cluster munitions, multiple rocket launchers and mortars, and other forms of heavy weaponry, in crowded urban areas, in particular Misrata. There are also reports of forces blocking humanitarian supplies. Some sources have also reported the use of civilians as human shields and the torture of prisoners of war or civilians in the context of the armed conflict.

The total number of persons who have died since the beginning of the conflict is in the thousands. The number of those displaced, according to the United Nations, includes approximately 535,000 migrant workers, refugees and asylum seekers, and 327,342 internally displaced Libyans.

Ms. Navi Pillay, United Nations High Commissioner for Human Rights; Ms. Radhika Coomaraswamy Special Representative of the Secretary-General for Children and Armed Conflict; and Ms. Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict, have all spoken clearly about alleged crimes.

Let me conclude by referring to the next steps. In accordance with the Court's Statute, my duty is to focus investigations and prosecutions on those who bear the greatest responsibility for the most serious crimes, based on the evidence that emerges in the course of the investigation. That includes those who ordered, incited, financed or otherwise planned the commission of the alleged crimes.

On that basis, in the coming weeks, in implementing the mandate established by resolution 1970 (2011), as Prosecutor I will present a case before the Pre-Trial Chamber of the International Criminal Court. I will request the judges to issue arrest warrants against three individuals who appear to bear the greatest criminal responsibility for crimes against humanity committed in the territory of Libya since 15 February.

In all the incidents to be presented to the judges, the victims who were shot at by security forces were unarmed civilians and there is no evidence of any attack against security forces. To prove the case, my Office has collected different types of evidence. There are least two eyewitnesses for each incident, documents and, in many cases, corroboration of details by pictures or videos. Further cases will be opened as necessary, taking into account the full scope of criminality, including war crimes allegedly committed by different individuals in the context of the Libya situation. Before proceeding, I will inform the Council in advance.

Following my request, the Pre-Trial Chamber may decide to accept the application, to reject it or to ask my Office for additional information. Should the judges decide to issue arrest warrants, the primary responsibility to execute them will lie with the territorial authorities.

My Office still awaits any response on the question of arrests from representatives of the regime in Tripoli.

The Interim National Council has committed itself to implement any arrest warrants and has requested the cooperation of the international community.

Arresting those who ordered the commission of crimes will contribute to the protection of civilians in Libya. If those who ordered crimes are not stopped and arrested, crimes will continue unabated. Judicial activity will deter crimes by removing those who ordered the crimes and by sending a clear message to other potential perpetrators, in Libya and elsewhere, that the international community will not condone such crimes.

Arrests cannot be successfully conducted without serious planning and preparation, which takes time. The international community should take steps now to assist with such practical planning.

As Secretary-General Ban Ki-moon stated in Kampala,

> "Now we have the International Criminal Court — permanent, increasingly powerful, casting a long shadow. There is no going back. In this new age of accountability, those who commit the worst of human crimes will be held responsible."

The President (*spoke in French*): I thank Prosecutor Moreno-Ocampo for his briefing.

I shall now give the floor to the members of the Council.

Sir Mark Lyall Grant (United Kingdom): I would like to thank the Prosecutor for his report and briefing this morning. I would also like to take this opportunity once again to commend him and his staff for their tireless efforts to bring justice to the victims of international crimes. The serious risks they take in the cause of international justice were brought home recently by the death of Alain Lubamba Kongolo, a member of the Office of the Prosecutor who died in a plane crash while pursuing investigations in the Democratic Republic of the Congo. Our condolences go to his family and colleagues.

We have heard this morning about Libya and the actions of the Al-Qadhafi regime in attacking civilians. When the Security Council adopted resolution 1970 (2011) (see S/PV.6491), it stressed the need to hold to account those responsible for attacks on civilians. We are grateful to the Prosecutor for the swift action he has taken to implement resolution 1970 (2011). The report he has presented describes a situation that demands such decisive action. To quote from his report: "the shooting at … protesters was systematic"; "War crimes … [were] committed as a matter of policy"; many hundreds, or thousands, of protesters have died; and "massive crimes are reportedly committed upon instruction of a few persons who control the organizations that execute the orders".

Despite repeated promises of a ceasefire from the regime, we continue to see appalling attacks and excessive use of force. Last week, as the Libyan Deputy Foreign Minister announced a withdrawal from Misrata, we saw intensified rocket attacks, with hundreds of rockets landing in civilian areas over the following three days. Together with disruptions to the water and electricity supplies, this is conduct that demonstrates an ongoing campaign to target civilians in Misrata. Similar attacks have occurred in other cities.

Others, including the High Commissioner for Human Rights, have highlighted the deliberate targeting of medical facilities and civilians, the use of children as combatants, the denial of humanitarian access and the use of sexual violence as a weapon.

Given those indications of dreadful criminal acts, we as the international community must continue to support the Prosecutor in thoroughly investigating these allegations and holding those responsible to account.

The United Kingdom will continue to assist the Prosecutor's investigations wherever possible. All United Nations Member States, whether parties to the Rome Statute or not, should do the same.

Those holding power in Libya must fulfil their obligations under resolution 1970 (2011) to cooperate with the International Criminal Court and to swiftly hand over any individual who may be indicted.

We welcome the cooperation that the Interim Transitional National Council has given to the investigation so far, and encourage it to continue.

As a State party to the International Criminal Court, and therefore subject to its jurisdiction, the United Kingdom strongly supports the Court's mandate to fight impunity, in Libya and elsewhere.

The deteriorating situation in Syria is of increasing concern in that regard. The violent repression there must stop immediately. The Syrian Government has a responsibility to protect peaceful protesters, not to attack them. Those responsible for this violence should be held to account. There can be no impunity. We strongly support the Secretary-General's call for an independent, transparent and effective investigation into the killings. We must be prepared to consider the appropriate avenues, including the International Criminal Court, to bring justice to the victims of these crimes. But it is not too late for the Syrian Government to decide against more violent oppression and bring about the radical reforms necessary for peace and stability.

Mr. Wittig (Germany) (*spoke in French*): I should like at the outset to thank Ambassador Osorio for his outstanding work as President of the Council for the month of April and to congratulate you, Sir, on your assumption of the presidency for the month of May. I will speak in French, in a tribute both to you and to the French language.

I should like to thank the Prosecutor of the International Criminal Court, Mr. Moreno-Ocampo, for his briefing and for the information that he provided on developments in connection with his investigation in Libya. We are aware of the heavy responsibility falling to the Prosecutor, as an independent organ within the International Criminal Court, with respect to the carrying out of the investigation in Libya.

Germany strongly supports the work of the Court in Libya. I should like to take this opportunity to thank the Prosecutor and his team for having swiftly opened an investigation. The perpetrators of crimes against international law in Libya must be made to answer for their actions as soon as possible, and justice must be done for the victims.

In unanimously adopting resolution 1970 (2011) and deciding to refer the situation in Libya to the International Criminal Court, the Security Council was far-sighted. The resolution focuses on the protection of civilians; each State is responsible for protecting its people against the most serious crimes. That is the second message implicit in resolution 1970 (2011). Its importance is not limited to Libya but goes beyond that country.

Violence must end as soon as possible in Libya and a solid ceasefire must be reached in order [illegible] allow for a redoubling of efforts in the quest to achieve a political solution. The Doha and Cairo meetings contributed to a large extent to giving concrete expression to the objectives that the international community is pursuing beyond military action.

We deem it important to involve all interested parties in a political process, in particular the protagonists in the region. The Al-Qadhafi regime gambled with its legitimacy and lost. It must yield to a Government born of the will of the people, one that will endeavour to bring democracy and openness to Libya. That will also require a process of reconciliation in the country as well as a systematic clarification of the acts of injustice that have been committed. Hence Germany welcomes the fact that the investigation of the situation in Libya is being carried out not only with determination but also with the requisite caution, in particular with respect to the protection of witnesses. The initial swift progress that has been made in the investigation, which the Prosecutor has told us about, is encouraging. We deem it of the highest importance that justice be done as quickly as possible for the victims of the conflict in Libya and that those who bear specific and serious responsibility for any crimes against humanity or other serious crimes under the Rome Statute answer for their actions. Those who are continuing to commit serious crimes in Libya must know one thing: the Security Council and the International Criminal Court, together if necessary or separately, will ensure, within their respective spheres of competence, that crimes against international law shall not go unpunished.

Cooperation on the part of the international community with the International Criminal Court is essential in order to shed as much light as possible on the serious crimes alleged to have been committed in Libya. Germany welcomes the high level of cooperation with the Prosecutor that many States and organizations have already displayed. However, the primary responsibility in that respect falls on the Libyan authorities. We urge them to respect the commitments incumbent upon them pursuant to resolution 1970 (2011) and to cooperate swiftly and fully with the International Criminal Court and the Prosecutor. The Libyan authorities must allow the Prosecutor to commence an investigation on Libyan territory as soon as possible.

We are extremely concerned at the suffering that is still being inflicted on the civilian population of Libya. Serious violations of human rights and international humanitarian law remain the order of the day. We are deeply concerned at the instances of rape and torture as well as the use of cluster weapons and heavy weapons against the civilian population, as described by the Prosecutor in his report. We condemn in the strongest terms the continuation of the violence and urge all the parties to the conflict to put an end to those crimes and to respect human rights and international humanitarian law.

The efforts deployed by the United Nations, in particular by the Office for the Coordination of Humanitarian Affairs, to relieve humanitarian suffering and coordinate humanitarian aid are exemplary and welcome. However, the situation in Misrata in particular remains of concern. Germany recently made available substantial funds for the delivery of humanitarian aid to Misrata. My country has already provided considerable humanitarian aid to the civilian population affected by the crisis in Libya, and we stand ready to continue to provide assistance.

The President (*spoke in French*): I thank the representative of Germany for his very clear statement.

Mr. Cabral (Portugal) (*spoke in French*): I, too, should like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Council for the month of May and to express gratitude to the delegation of Colombia and to Ambassador Osorio for their outstanding work during the month of April. Unfortunately, my statement was prepared in English, so I will speak in English.

(*spoke in English*)

I wish to thank the Prosecutor of the International Criminal Court (ICC), Mr. Moreno-Ocampo, for his report and for his comprehensive and informative briefing today. I wish also to commend him and all his staff for the significant investigative work he was able to carry out in such a short period of time, under difficult circumstances.

We are very troubled by the humanitarian situation in Libya, with persistent violence against civilians and serious violations of international humanitarian law. We wish to express our serious concern at the information on crimes against humanitarian, further acts of violence and continuation of war crimes, as described in the Prosecutor's report and highlighted here today by Mr. Moreno-Ocampo.

We are also disturbed at recent statements by the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict pertaining to serious violations of international human rights and humanitarian law, widely echoed in the international press.

Under these circumstances, a political solution is becoming all the more pressing. In that sense, it is indispensable to reach a ceasefire that is both verifiable and sustainable. We thus commend and fully support the role and the endeavours of Special Envoy Al-Khatib in reaching an agreement on a ceasefire and on the launching of an inclusive political process.

However, we cannot forget the importance of justice as a fundamental value of human society and as an inherent part of the process to achieve a sustainable peace and bring confidence to the affected communities victimized by the persistent violence.

The International Criminal Court has an important role to play in this regard not only in investigating the most serious crimes and in judging and punishing the perpetrators most responsible, but also in preventing the escalation of violence as a dissuasive instrument for potential perpetrators and sometimes the only source of hope for endangered civilians and communities in conflict zones. We therefore express our full support for the continuation of the efforts made in the context of the investigation and commend the support provided to the Prosecution by States and organizations in these endeavours. Cooperation with the Prosecutor and the Court is essential to the success of the criminal investigations and judicial proceedings.

We also wish to highlight the importance of the protection of victims and witnesses, and commend the prosecution for exercising the utmost caution in this phase in order to avoid putting at risk persons and humanitarian personnel who have given testimony.

We see an important role in this context for the United Nations International Commission of Inquiry established by the Human Rights Council, which recently started its investigation in Libya, and we welcome the Prosecutor's intention to liaise closely with it. However, we are worried about the impact of the work of the Commission on the situation on the ground. We hope that the Commission can conclude its work soon.

Finally, we would like to seize this opportunity to express Portugal's support for the ICC and its fundamental role in fighting impunity and promoting peace and security.

Mr. Hardeep Singh Puri (India): I would like to thank the Prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno-Ocampo, for his briefing today. I have also taken note of his report to the Security Council submitted pursuant to paragraph 7 of resolution 1970 (2011).

India, as members know, is not a signatory to the Rome Statute or a member of the International Criminal Court, for reasons that are well known. In our explanation of vote on resolution 1970 (2011) on 26 February (see S/PV.6491), I noted that of the 192 States Members of the United Nations only 114 are members of the ICC. Five of the 15 members of the Security Council, including three permanent members, are not parties to the Rome Statute. But we voted in favour of resolution 1970 (2011) because several members of the Council, including our colleagues from Africa and the Middle East, believed that the referral of the situation in Libya to the ICC would have the effect of causing the immediate cessation of violence and the restoration of calm and stability.

Unfortunately, the situation in Libya has continued to deteriorate, and widespread violence continues. We remain seriously concerned at the developments in Libya and condemn the use of force against civilians. We reiterate our call on all parties to immediately cease attacks on civilians and engage in political dialogue to resolve the crisis. The longer the conflict continues, the greater the harm caused to the Libyan people, their economy and society.

We have noted that, after his preliminary investigation, the Prosecutor, on the basis of available information, has decided that are reasonable grounds to believe that crimes against humanity and war crimes have been committed and continue to be committed in Libya. We have also noted that the Office of the Prosecutor will submit its first application for an arrest warrant to a pre-trial chamber in the coming weeks.

The Prosecutor should carry out a thorough and impartial investigation and not be influenced by any non-judicial considerations. All those responsible for committing crimes covered under the Rome Statute should be held accountable, irrespective of which side of the conflict they may belong to and even if they have changed sides. Political considerations should not exonerate anyone from prosecution for crimes committed. Any action by the ICC should fall strictly within the ambit of resolution 1970 (2011), particularly paragraph 6, which concerns States that are not parties to the Rome Statute.

Mr. Messone (Gabon) (*spoke in French*): We wish to thank Prosecutor Moreno-Ocampo for his initial report pursuant to paragraph 7 of resolution 1970 (2011). My delegation read the report with great interest and appreciates its concision, the quality of its analyses and the clear conclusions it reaches on the three main criteria for determining the Court's competence to investigate and prosecute the perpetrators of the crimes committed in Libya since 15 February.

We note the difficulties involved in any investigation in a conflict situation. We reaffirm Gabon's commitment to combating all forms of impunity. That is a position of principle to which we remain devoted and is the basis of our accession to the Rome Statute. We are also attached to the fundamental principles of the protection of civilians, international humanitarian law and international human rights law.

We recall our serious concern over the situation prevailing in Libya. We support all Security Council decisions to put an end to the violence in the country. We therefore call on all parties to the conflict to cease fire immediately. We urge once again that all means be deployed to reach a political solution to the conflict.

That said, Gabon believes that the spirit and letter of all resolutions adopted by the Security Council must be observed. Their implementation must fully cover criminal acts by whomsoever committed in this crisis. The political efforts under way must not affect the requirements of justice regarding crimes committed against humanity. We therefore urge the Libyan Government to cooperate and refrain from hampering the investigations under way.

We affirm the need for the Security Council to support all efforts to shed light on the crimes committed throughout Libya, including against foreign migrant workers, including those from sub-Saharan Africa. We deplore the attacks on civilians who are peacefully protesting to express their desires for a free and democratic Libya.

We also stress the need for the Prosecutor to have all the means necessary to carry out an impartial investigation. My delegation therefore welcomes the close cooperation between the Prosecutor and the International Commission of Inquiry set up by the Human Rights Council at its special session of 25 February.

Gabon assures the Prosecutor of its full willingness to cooperate with him in his efforts to fully achieve his objective. We encourage and urge all parties to the conflict in Libya to cooperate unconditionally with the International Criminal Court in this process in order to shed light on the nature of crimes so that perpetrators can be brought to justice.

In conclusion, we wish to emphasize that the way in which this matter is addressed and the conclusions reached will, in our view, contribute to bolstering efforts to put an end to impunity and to reasserting the authority and impartiality of the Court in this crisis.

Mrs. Viotti (Brazil): I thank Prosecutor Moreno-Ocampo for his briefing and for the first report of the International Criminal Court (ICC) pursuant to resolution 1970 (2011). We are concerned at the continuation of hostilities in Libya. An immediate ceasefire and the establishment of an inclusive political process that can address the aspirations of the Libyan population and bring about durable peace in Libya are more urgent than ever.

Brazil is deeply concerned by the ongoing violence and the use of force against civilians. We are troubled by the reports of killings of civilians, unlawful arrests, torture, forced disappearances and rape. The referral of the Libyan case to the ICC, mandated by resolution 1970 (2011), underscores the concerns of the international community at the aggression committed against the civilian population in Libya. Those in control of military capabilities, and their subordinates, must cease all violence against civilians.

As developments in Libya unfold, we hope that the ICC investigations can have an impact on the desired goals — a cease to violence and the restoration of calm. In the post-conflict stage, the ICC's role will continue to be essential in helping to ensure accountability and justice, which are so important to achieving durable peace.

In order for the ICC to help achieve these vital objectives, the ongoing investigations leading to possible future proceedings must be thorough, transparent and impartial. We urge all parties to the conflict to fully cooperate with the ICC.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We thank Mr. Moreno-Ocampo for presenting his initial considerations about prospects for an investigation into the situation in Libya and for briefing us on the work carried out by his Office pursuant to resolution 1970 (2011). The Council adopted that resolution unanimously based on its serious concern at the widespread use of violence against participants in peaceful demonstrations in Libya, which led to casualties among the civilian population.

What the Prosecutor has said today is encouraging. We have, with deep regret, heard information about the escalation of violence in Libya. It is clear that violence can be effectively halted only by the implementation of the measures called for in resolution 1973 (2011), namely, an immediate ceasefire and the necessary efforts for a political settlement.

We are deeply alarmed by the growing number of civilian casualties and the destruction of civilian facilities as a result of the actions by opposing Libyan parties, in particular as a result of the use of indiscriminate weapons.

Unfortunately, it must be noted that actions by the NATO-led coalition forces are also resulting in civilian casualties, as was seen in particular during recent bombings in Tripoli. We emphasize once again that any use of force by the coalition in Libya should be carried out in strict compliance with resolution 1973 (2011). Any act going beyond the mandate established by that resolution in any way or any disproportionate use of force is unacceptable.

We support the efforts by the International Criminal Court to carry out a fair and impartial investigation into the actions of all parties to the conflict in Libya and to bring to justice individuals involved in possible crimes against humanity and serious violations of international humanitarian law in Libya.

Mr. Osorio (Colombia) (*spoke in Spanish*): At the outset, allow me to thank Prosecutor Luis Moreno-Ocampo for his presence at this meeting and for his valuable, precise and detailed briefing to the Security Council on the activities carried out by his Office pursuant to the relevant section of resolution 1970 (2011).

The drafters of the Statue of the Court, among whom Colombia is pleased to count itself, were aware that the new judicial body being created could not operate in a vacuum and that, in certain circumstances, the task of maintaining international peace and security could overlap with the implementation of the principle of international criminal responsibility and the need to bring to justice those responsible for serious crimes of an international nature. That is why the Statute grants the Security Council the right to refer a situation to the Court in which one or more crimes under its jurisdiction are alleged to have been committed.

In resolution 1970 (2011), the Council reaffirmed several important concepts that are relevant to today's debate, including a determination that the widespread and systematic attacks carried out against the civilian population in Libya may constitute crimes against humanity. The investigation has uncovered evidence of systematic armed repression resulting in hundreds of victims, illegal arrests, torture and sexual violence. The Council also stressed that all those responsible for, or complicit in, attacks against the civilian population, including aerial and naval attacks, must face the consequences of their actions.

My Government believes that much of the added value of the Security Council as the body bearing the primary responsibility for the maintenance of international peace and security lies in its credibility, which is necessarily dependent on the effective implementation of its decisions. In this context, we believe that the work being carried out by the International Criminal Court with regard to the situation in Libya is of the utmost importance for ensuring the full and effective implementation of resolution 1970 (2011), and thus deserves our full support. We are here owing to a decision adopted by the Council under Article 40 of the Charter, which clearly is binding in nature vis-à-vis all States Members of the Organization.

I wish to emphasize that the report provided to the Council last week and the additional information provided today by Prosecutor Moreno-Ocampo show that the Court and the Prosecutor's Office have been particularly diligent with regard to the practical implementation of resolution 1970 (2011).

Respect for international law, international humanitarian law and human rights provide the basic channels for consolidating democratic societies governed by the rule of law — societies acting within a system guided by the purposes and principles of the Charter of the United Nations and the standards of international law.

Mr. Li Baodong (China) (*spoke in Chinese*): I, too, would like to thank Mr. Moreno-Ocampo for his briefing.

The Chinese position on the International Criminal Court remains unchanged. We attach great importance to combating impunity and achieving justice. China has always believed that the pursuit of justice should be premised on the core values of safeguarding peace and security and maintaining international peace and harmony.

At present, the crisis in Libya shows no signs of abating, and efforts to end it have reached a stalemate.

At the same time, the humanitarian situation continues to deteriorate and the civilian population continues to suffer grave consequences. China expresses its serious concern in this regard.

China calls for the complete and strict implementation of the relevant resolutions of the Security Council. The international community must respect the sovereignty, independence, unity and territorial integrity of Libya. The internal affairs and fate of Libya must be left up to the Libyan people to decide. We are not in favour of any arbitrary interpretation of the Council's resolutions or of any actions going beyond those mandated by the Council.

China believes that the priority for the time being must be to achieve a complete and unconditional ceasefire, as called for by the Council, and to establish a ceasefire monitoring system under the auspices of the United Nations.

Peaceful dialogue and negotiations are the best way forward towards a political solution to this crisis. We endorse the efforts made by all interested parties, especially the African Union. We endorse the five-point road map proposed by the African Union.

The United Nations and the Security Council must play a leading role in properly resolving the Libyan crisis. We would like to see the Special Envoy of the Secretary-General, Mr. Al-Khatib, playing a stronger role on the political track. At the same time, we would like to ensure that the International Criminal Court properly assesses the requirements to resolve in crisis in Libya appropriately in its efforts to implement resolution 1970 (2011) and to play a positive and constructive role in promptly restoring peace, security and order in Libya.

Mr. Amieyeofori (Nigeria): I would like to thank you, Mr. President, for convening this important meeting to consider the work of the International Criminal Court (ICC) in relation to the situation in Libya. We are also indebted to Mr. Moreno-Ocampo, Chief Prosecutor of the ICC, for his insightful briefing.

The fight for justice and the battle against impunity are at the heart of the values shared by most Member States, including those committed to the aims and objectives of the ICC. As a State party to the Rome Statute, Nigeria reaffirms its support for the work of the ICC in ensuring accountability for the most serious crimes of international concern. The situation in Libya presents an immediate test not only for the ICC as an indispensable tool in our collective conflict resolution efforts, but also for our collective determination to maintain international peace and security. Indeed, the very first Article of the United Nations Charter charges us to take effective collective measures for the prevention and removal of threats to peace and to achieve peace through pacific means.

In that respect, we welcome the Chief Prosecutor's first report to the Security Council. The report shows a measured, logical and comprehensive approach to the conduct of preliminary examination of allegations of human rights violations in Libya and the subsequent launching of an investigation, in accordance with resolution 1970 (2011). The initial factual analysis, in line with the thresholds of admissibility, gravity and jurisdiction, provides us with a better understanding of the nature and extent of the violations that the people of Libya have endured and continue to endure.

The prima facie evidence of crimes against humanity makes the case for an ICC investigation even stronger and demonstrates that such a step is necessary to satisfy the interests of justice. In addition, the systematic nature of the attacks on civilians, the routine use of imprecise weaponry and the evidence of attempts to conceal crimes warrant rigorous investigation to establish criminal responsibility.

However, the political situation in Libya is complex and the security environment fragile and mutable. In resolving the Libyan crisis, resolutions 1970 (2011) and 1973 (2011) must be read and implemented together. The resolutions are complementary and mutually reinforcing. Indeed, they are anchored in the desire for a peaceful and politically based solution to the Libyan conflict. That is why the efforts of interlocutors, such as the Special Envoy of the Secretary-General, Mr. Al-Khatib, the Libya Contact Group and the African Union Ad Hoc High-Level Committee on Libya are recognized. All such activities are central to facilitating dialogue between the parties with a view to cementing a lasting peace.

For those reasons, it is important that the activities of the Prosecutor be carefully calibrated to support the ongoing political efforts to find a peaceful solution. Ignoring that pivotal dimension may threaten the prospects for peace not just for Libya, but also for the region at large. Thus, it is essential that justice be pursued in a manner that does not jeopardize efforts aimed at promoting lasting peace and stability in the country.

That observation underscores the need for the prosecuting team to uphold high standards of evidence and to remain impartial in the face of compelling and disturbing evidence. In that regard, I would highlight the fate of those sub-Saharan Africans detained by the authorities in Benghazi and stress the need to ensure that their cases are handled according to due process.

We must not underestimate the heavy responsibility that the Prosecutor bears in that regard. It is difficult to see how the interests of justice can be served without the cooperation of the international community. As is clear from the report, the Prosecutor's work thus far has benefited from international cooperation, which must be encouraged to continue. It is our firm belief that the ICC's involvement should further our collective efforts to achieve lasting peace in Libya and to see the aspirations of the Libyan people realized.

Mr. Mashabane (South Africa): I thank you, Mr. President, for calling this meeting and for providing us with an opportunity to interact with the Prosecutor of the International Criminal Court (ICC) on the situation in Libya. I also wish to thank the Prosecutor, Mr. Moreno-Ocampo, for his briefing to the Security Council. We are particularly impressed by the speed with which the investigations were completed.

Our delegation not only supported resolution 1970 (2011), but indeed co-sponsored it. Our support for referral to the ICC was based, inter alia, on South Africa's support of the international community's fight against impunity and the concern that we had voiced over the escalation of violence in Libya. As a State party to the Rome Statute, South Africa will continue to support the Prosecutor in relation to the conflict in Libya. As we stated in our statements during the adoptions of resolutions 1970 (2011) and 1973 (2011) (see S/PV.6491 and S/PV.6498), South Africa has been and remains concerned about the crimes against civilians and the human rights violations committed in the context of the conflict in Libya.

As a starting point, we note that the standard of proof for the decision to initiate an investigation is far lower than that required for a successful prosecution. Therefore, we encourage the Prosecutor to leave no stone unturned in the search for further evidence to strengthen the cases against those who may have committed atrocities. We hope that the Prosecutor will look at all atrocities committed on either side of the conflict.

As the report of the Prosecutor notes, the current situation in Libya now amounts to an armed conflict. Crimes may have been committed by Government and opposition forces alike. To protect the Court's integrity and to ensure that all who were caught in the crossfire of the conflict are protected, all crimes, regardless of the perpetrators, should be considered. Of course, such a statement is without prejudice to the Prosecutor's determination of who bears the greatest responsibility for the most serious crimes.

Finally, a number of delegations have asked questions about the implementation of resolution 1970 (2011). In particular, questions have been asked about whether the actions of the implementing States have been consistent with the letter and the spirit of resolution 1970 (2011). We are aware that paragraph 6 of the resolution establishes a caveat designed to exclude the jurisdiction of the Court in such cases. Nonetheless, we would recall that the caveat in paragraph 6 is limited to actions established or authorized by the Security Council. Therefore, any actions that fall outside the scope of resolution 1973 (2011) should not benefit from the protection offered by the caveat. It is our sincere hope that, in considering the evidence, the Office of the Prosecutor will also consider any actions that may have been committed in the purported implementation of resolution 1973 (2011).

Let me conclude by assuring the Prosecutor that South Africa will continue to cooperate with the activities of the ICC. We look forward to hearing from the Prosecutor in the next six months and hope that, by then, the ICC will have issued indictments against those most responsible for the atrocities committed in Libya. We are pleased that the Council intends soon to present a case to the ICC, seeking arrest warrants against three individuals. We hope that, in time, the net will be cast even wider.

Ms. Rice (United States of America): Let me begin by thanking the Prosecutor for his very important and very informative briefing.

In resolution 1970 (2011), this Council unanimously decided to refer the situation in Libya to the Prosecutor of the International Criminal Court

(ICC). By doing so, the Council reflected the importance that the international community attaches to ensuring that those responsible for the widespread and systematic attacks against the Libyan people are held accountable.

The Prosecutor has highlighted the deeply troubling actions of the Libyan Government and its security forces, including incidents in which Al-Qadhafi forces fired on civilians, reports of torture, rape, deportations, enforced disappearances, the use of cluster munitions and heavy weaponry against targets in crowded urban areas, and the blocking of humanitarian supplies. All of that underscores the gravity of what we are witnessing in Libya today.

New reports make clear that the Al-Qadhafi regime continues to directly target civilians, so the need for justice and accountability persists. Those reports further underscore the message, which we have repeated in our statements and in our diplomatic efforts, that Al-Qadhafi has lost any and all legitimacy to lead Libya.

As the ICC process continues, it is important that the international community remain united in its commitment to protecting civilians and civilian-populated areas under the threat of attack, to ending violence against the Libyan people, and to defending the universal rights that all of us share.

My Government welcomes the swift and thorough work of the Prosecutor. He has said that he plans to submit an application for an arrest warrant in the coming weeks. The spectre of ICC prosecution is serious and imminent, and should serve as a warning to those around Al-Qadhafi of the perils of continuing to tie their fate to his. The Prosecutor has also indicated that further cases may be opened, as would be appropriate against individuals involved in further crimes that may be committed in the days ahead.

Tomorrow, members of the international community will gather in Rome to examine ways of supporting a political process that will advance the rights and aspirations of the Libyan people. Several proposals have been put forward to resolve the crisis. We continue to discuss those and other potential solutions with our allies and partners, including United Nations Special Envoy Al-Khatib.

We believe in the potential of the Libyan people. We believe that they deserve leaders who share and support their aspirations to freedom, democracy and dignity. Through his brutal oppression, Al-Qadhafi has demonstrated time and again that he is not interested in a Libya that honours his people's hopes and rights.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I would like to express my gratitude to Prosecutor Luis Moreno-Ocampo for his briefing. We highly appreciate his efforts and those of his Office, which contribute to the protection of Libyan civilians and the implementation of the rule of law.

Lebanon recalls that, on 22 February, in a special emergency meeting, the Council of the League of Arab States condemned the acts committed against Libyan citizens as constituting grave violations of human rights and international humanitarian law. We also recall the letter dated 26 February from the Permanent Representative of Libya to the United Nations, in which he requested that those responsible for killing Libyan civilians be held accountable to the International Criminal Court (ICC).

Lebanon is deeply concerned over the deteriorating situation in Libya and the ongoing behaviour of the discredited and delegitimized Libyan regime, especially in Misrata, Zintan and elsewhere. The regime is also involved in the use of heavy weapons and cluster bombs against civilians. We were even more alarmed by what we heard recently from Ms. Navi Pillay, United Nations High Commissioner for Human Rights.

Lebanon welcomes the report on the activities of the Office of the Prosecutor over the past two months concerning the situation in Libya. We commend the cooperation of Member and non-Member States, as well as other organizations, as mentioned in the report. That cooperation, extended in response to Security Council resolution 1970 (2011), sends a clear message from the international community concerning the protection of Libyan citizens from the violations to which they have been subject since 15 February.

Lebanon also commends the work of the Office of the Prosecutor in protecting witnesses and ensuring that their contributions and revelations of fact do not place their lives in danger. The conduct of the Office has been characterized by a high level of professional responsibility.

Lebanon emphasizes the importance of holding accountable those responsible for horrific crimes against the Libyan people, who are eager to win their freedom. We also believe that the success of the ICC in those efforts will act as a deterrent in the future and serve as a tool to end the era of impunity in Libya. Here, we commend the Prosecutor's comments on the imminent issuance of arrest warrants.

In conclusion, Lebanon looks forward to justice that will help to lessen the frustration and grief of the families of the martyrs in Libya, reduce the suffering of the injured and tortured, return internally displaced persons and refugees to their homes, and restore peace and security in Libya.

Mr. Barbalić (Bosnia and Herzegovina): Allow me to welcome the Prosecutor of the International Criminal Court to today's meeting and thank him for his extensive briefing. I also wish to thank the Prosecutor for preparing the report that has given us a further overview of and insight into the situation in the field. In no uncertain terms, it outlines the rather grave and serious situation, providing facts that unfortunately have been confirmed from briefing to briefing.

Unfortunately, the report of the Prosecutor of the International Criminal Court (ICC) provides further evidence of serious and constant violations of international humanitarian law and human rights law and of the deterioration of the situation, including systematic violence against the civilian population. We strongly condemn such violence and find it to be unacceptable.

Bosnia and Herzegovina is gravely concerned by the reported crimes and the manner in which they have been committed, which have only further reinforced our conviction that the referral of the situation in Libya to the ICC was true to our commitments and obligations.

After only two months of investigation, the report of the Prosecutor already contains evidence of incidents constituting alleged war crimes and crimes against humanity. We firmly believe that addressing these crimes and punishing those responsible is, beyond any doubt, the main precondition for reconciliation, sustainable and long-lasting peace and stability. Impunity is not an option, and I am certain that all of us agree on that.

For those precise reasons, and on the basis of our own strong and unwavering belief in the justice system, we believe that the full implementation of resolutions 1970 (2011) and 1973 (2011) is of utmost importance. Obligations derived from those resolutions are not optional.

Finally, it is our firm belief that condemnation of the grave atrocities and crimes under the Court's jurisdiction is unanimous and unwavering. My country remains committed to the ideas and goals of the ICC, and to its own obligations. Furthermore, the Prosecutor of the ICC has our full support for his work.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I thank Prosecutor Moreno-Ocampo for his report and his briefing. When a Government attacks civilian populations instead of protecting them; when the atrocities committed sear the human conscience; and when the stability of an entire region is affected, the international community has a responsibility to intervene and to protect civilians. That is what we done in Libya.

Since mid-February, faced with the atrocities committed by Libyan leaders, the Arab League, the African Union and the Secretary General of the Organization of the Islamic Conference have condemned the grave violations of human rights and international humanitarian law. The Security Council also reacted quickly, by unanimously adopting, on 26 February, resolution 1970 (2011), which referred the situation in Libya to the Prosecutor of the International Criminal Court.

In his report, the Prosecutor confirms the fears expressed by the Council. Attacks by security forces against peaceful demonstrators were, as of 17 February, systematic and widespread. Civilians suspected of being associated with demonstrations were arbitrarily detained, abducted and tortured.

The Prosecutor also lists the war crimes committed in the context of the armed conflict. In Misrata and elsewhere, it is not military targets that are the priority targets, but rather the civilian population — through the use of fragmentation shells and snipers, attacks against hospitals and the mining of ports to hinder the evacuation of civilians. The Prosecutor also indicated that he will examine any allegation of attacks against African migrants.

By referring the situation in Libya to the International Criminal Court, we took an important decision and we took it unanimously. It was an informed decision aimed at ensuring that those mainly responsible for these crimes were prosecuted, judged and imprisoned. The judicial process is under way and must run its course.

As the Prosecutor explained, the International Criminal Court will prosecute only the leading perpetrators: those who organized, ordered or financed crimes. There is still time for those who were misled into becoming involved in the criminal campaign led by Al-Qadhafi against innocent civilians to dissociate themselves from it. There can be no political or other kind of solidarity with those who order or commit such crimes.

France welcomes the fact that, in accordance with resolution 1970 (2011), States and regional organizations have offered their full cooperation to the Prosecutor, thus enabling his investigation to make rapid progress. In the future, whatever the decisions taken by the judges, the Council, united and determined, will have to support them.

I now resume my functions as President of the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.25 a.m.

United Nations **S/PV.6529**

Security Council

Sixty-sixth year

Provisional

6529th meeting

Monday, 9 May 2011, 10 a.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

The situation in Bosnia and Herzegovina

Letter dated 3 May 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/283)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

Please recycle

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 3 May 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/283)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Croatia, Serbia and Turkey to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Pedro Serrano, Acting Head of the delegation of the European Union to the United Nations, to participate in this meeting.

I should like to draw the attention of Council members to document S/2011/283, which contains a letter dated 3 May 2011 from the Secretary-General transmitting the thirty-ninth report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

Mr. Inzko (*spoke in French*): Thank you, Mr. President, for giving me the opportunity today to present my fifth report as High Representative and the thirty-ninth report overall. Since my last presentation to the Security Council in November 2010 (see PV.6421), the political situation in Bosnia and Herzegovina has unfortunately continued to develop negatively. Today, regrettably, we are facing the most serious and most direct challenges to the Dayton Paris Peace Accord that we have seen since it was signed, more than 15 years ago.

It is for this reason that, in accordance with my mandate and in addition to my biannual report, I have submitted to the Council a special report on recent actions undertaken by the authorities in the Republika Srpska that clearly violate the Dayton Paris Peace Agreement. I hope that my reports and my briefing today will contribute to a better understanding of the current political situation in Bosnia and Herzegovina and the challenges that lie ahead.

(*spoke in English*)

More than seven months after the general elections, there is still no prospect for the formation of a new State Government, and many State institutions are under serious political, institutional and economic pressure — with a clear impact on their efficiency and functionality. The European Union (EU) and the Euro-Atlantic integration processes have come to a complete halt, and the economy continues to suffer.

The authorities in the Federation — which forms the larger part of Bosnia and Herzegovina — took office only after months of obstruction of the election of delegates to the Federation House of Peoples. The Government formation process was stalled by lengthy political disputes and interventions. I was forced to intervene, with the support of the Peace Implementation Council, when the appointment of the authorities was disputed through various legal challenges. In fact, there was broad consensus in the Peace Implementation Council that taking no action would have resulted in political and legal uncertainty, with the prospect of the setting up of two parallel and disputed Federation Governments, with two presidents in place, and potentially no budget and the subsequent dissolution of the Federation parliament, followed by new elections. These risks have been averted, and the Federation authorities now seem to be working efficiently.

The current situation in the Federation also comprises a philosophical dispute between ethnicity-based politics — where ethnicity is most important — and a more civic-oriented version of politics. In that regard, the Bosnian Croat parties of the Croatian Democratic Union have organized a council of Croat cantons and municipalities consisting of Croat majorities. While there are provisions in the Federation Constitution that foresee cooperation between cantons, such a development 15 years after Dayton is not really the direction in which we should be going.

These developments would be bad enough at a time when Governments should be redoubling their efforts to deliver the deep reforms the country needs to tackle the serious economic and social challenges its citizens are facing, and, of course, to make progress towards EU and NATO membership. However, within this already difficult climate, the authorities in

Republika Srpska have taken concrete actions that represent the most serious violation of the Dayton Paris Peace Agreement that we have seen since it was signed.

The conclusions and the decision on the referendum, which were adopted by the Republika Srpska National Assembly in April, are not only a clear breach of the Peace Agreement but also put into question all laws enacted by the various High Representatives by claiming they are in violation of the Peace Agreement. As such, the recent actions by the Republika Srpska, if allowed to stand, would have a major impact on the functionality and sustainability of Bosnia and Herzegovina. The High Representatives, in line with relevant Security Council resolutions, enacted a significant number of decisions and laws fundamental to the State of Bosnia and Herzegovina. I would mention just a few decisions taken that are now operational, namely, on Bosnia and Herzegovina's passport, flag, national anthem and coat of arms and on a single Ministry of Defence. I would remind the Council that before the single Ministry of Defence was created, there were three ministries of defence in existence. There have also been other key reforms, such as, inter alia, on border police.

The holding of a referendum on the High Representative's powers and on his decisions would be a serious breach of the country's constitutional framework and of its international obligations. It would also be contrary to annex 10 of the Dayton Paris Peace Agreement and to a host of resolutions adopted by the Security Council under Chapter VII of the Charter of the United Nations. In other words, such a referendum would also, in a way, challenge the authority of the Security Council and its relevant resolutions. In addition, the conclusions seek to undermine the entire constitutional system of the division of responsibilities between the State and the entities as established by annex 4 of the Peace Agreement, as well as the Constitution and the Constitutional Court of Bosnia and Herzegovina, which is an institution established by the Peace Accord.

With regard to Bosnia and Herzegovina's judicial institutions at the State level, which are specifically targeted by the referendum, I must point out that, under the Constitution of Bosnia and Herzegovina, the State has exclusive competence for international and inter-entity criminal law enforcement. The Court of Bosnia and Herzegovina and Bosnia and Herzegovina's Prosecutor's Office are institutions created with a view to enabling the State to exercise those precise State-level competencies.

On a technical but important point, and to avoid any misunderstandings, this referendum would be binding. Although there had been some statements suggesting that the referendum would not be binding, it would in fact be binding.

My approach to this challenge to the Dayton Paris Peace Agreement has been clear and fully consistent with my firm belief that dialogue should always be given a chance. In this regard, I expect the Republika Srpska authorities to rescind the adopted conclusions and the referendum decision in the coming days. Should that not happen, given my responsibilities to uphold the Peace Agreement, I will have no choice but to repeal the conclusions and referendum decision. In this regard, I have strong support from the Peace Implementation Council and the highest levels of the European Union.

In addition to the conclusions and the decision on the referendum, the authorities of Republika Srpska, and in particular its President, have openly continued to question the territorial integrity and sovereignty of Bosnia and Herzegovina by repeatedly threatening the sustainability of the country and by frequently advocating in favour of its dissolution. The authorities of Republika Srpska have also continued to undermine and question other key State-level institutions in the country. The policy behind that is to show that these institutions are dysfunctional and therefore not needed at the State level. The Republika Srpska authorities have also continued to deny that genocide took place in Srebrenica in 1995 — a fact which has repeatedly been confirmed by international tribunals.

Seven months after the general elections, the overall political situation in the country remains unsatisfactory and has made the formation of Government at the State level almost impossible. The legislative process at the State level remains at a standstill, and as a result there has been no progress addressing EU- and NATO-related reform agendas.

I believe that it would be a mistake to view these latest developments in Bosnia and Herzegovina as a short-term negative trend. We have in fact witnessed a downward trend in political stability for five years now, following the rejection of the April 2006 package of constitutional amendments. While we must now focus on the immediate difficulties, I believe that it is also important to take a critical look at what we need to do to secure a functional and viable country in the long term. It is clear that we need to support the ownership principle in Bosnia and Herzegovina.

The Peace Implementation Council has continued to express strong concern about developments in the country, in particular about the events I have mentioned. At the same time, the Peace Implementation Council has noted that — with the exception of the objective related to the Brcko district — there has been little progress in implementing the conditions required for closing the Office of the High Representative.

On the State and defence property objectives, which are the first and second objectives, there has even been regression as the Republika Srpska authorities unilaterally adopted an entity law on State property in December that — had it entered into force — would have led to all State property in that entity being registered as Republika Srpska property. This would have made a comprehensive negotiated solution on State property impossible. Therefore, I had to suspend the application of that law pending a decision on its constitutionality by the Constitutional Court of Bosnia and Herzegovina. On defence property, Republika Srpska continues to refuse to grant the State the right of ownership over defence property.

In contrast, there has been progress addressing the outstanding conditions on the Brcko electricity issue. I hope that we will also be able to resolve the remaining issues soon. However, before this process can be recommended, the Republika Srpska is required to give proper and specific assurances on the constitutional status and rights of the Brcko district in the future, as well as on the terms of the Final Award, as the Federation has done already. The Federation has given assurances on Brcko, but the Republika Srpska has yet to do so.

As I mentioned earlier, the entire international community must take the deteriorating situation in Bosnia and Herzegovina very seriously. Further erosion of the State, its institutions and the rule of law will push Bosnia and Herzegovina into deeper crisis and instability. This could also have negative consequences for the entire region of South-East Europe.

In this regard, allow me to say a few words on how I think the international community should approach Bosnia and Herzegovina in the future. We all agree that the future of Bosnia and Herzegovina is within the European Union and Euro-Atlantic institutions. The EU and NATO therefore have an important role to play in Bosnia and Herzegovina in assisting the country to fulfil the requirements for its aspirations to membership in both organizations. This, by the way, is also the wish of the State Presidency.

At the same time, the need for an international presence with an executive mandate in Bosnia and Herzegovina is still evident. There are serious challenges to the State of Bosnia and Herzegovina coming from within the country, which demand the presence of the Office of the High Representative and the European Union Force in Bosnia and Herzegovina with an executive mandate. We should have sufficient tools to prevent attempts aimed at rolling back the previously agreed reforms and at creating instability.

It is important that Bosnia and Herzegovina remain on the international community's agenda until the job is completed. There are some who believe that it is now time to leave Bosnia and Herzegovina on its own; some talk about international fatigue in Bosnia and Herzegovina. It has also been repeated over the past two years that Bosnia and Herzegovina is no longer the focus of the international community. I do not share this view, and believe that such moves would open the door to those who would attempt to weaken and eventually divide the State, which could lead to renewed disorder.

The international community has achieved tremendous results in Bosnia and Herzegovina over the past 15 years. However, it is clear from the current political situation that we have not yet achieved a lasting and sustainable political settlement that would ensure a durable prospect of peace. To that end, we also enjoy very good support from neighbouring countries, President Tadić of Serbia and President Josipović of Croatia. One can say with some confidence that we now have the best regional situation of the past 20 years. This is not only about regional cooperation; it is also about regional reconciliation. That gives us reason to be optimistic.

Our continued attention on Bosnia and Herzegovina is the way to get to the objective that we all want to reach, in which Bosnia and Herzegovina is able to solve its problems institutionally and on its own and move towards full Euro-Atlantic integration with full ownership of responsibilities.

Bosnia and Herzegovina is a gold mine of talent and full of people of excellence. We have to give those people and the country a chance. They can do it, I am sure. They only need some time and some patience. I am truly convinced that this can become a reality. I will, as High Representative and with the Security Council's help, therefore continue to dedicate all my efforts to assisting and supporting Bosnia and Herzegovina's efforts in this direction.

The President (*spoke in French*): I thank Mr. Inzko for his briefing.

I now give the floor to the members of the Security Council.

Mr. Laher (South Africa): South Africa welcomes the High Representative for Bosnia Herzegovina to the Security Council and thanks him for his briefing, which we have taken note of with concern.

The Dayton Peace Accords are a peace experiment aimed at achieving, as President Clinton said at the time, "unity in diversity". In commemorating its fifteenth anniversary last November, Secretary Clinton in her statement reminded us that

> "the Dayton Agreement is a cornerstone of peace and stability in Bosnia and Herzegovina today. It has provided a framework for rebuilding the nation's infrastructure, returning refugees and displaced persons to their homes, and helping citizens resume a normal life."

These are assessments that my delegation agrees with and strongly supports.

It is therefore with deep concern that we have taken note of recent developments in Bosnia, which hold the potential to undermine its unity, sovereignty and territorial integrity. As the country lies at the very heart of Europe, such a development would damage peace and stability in the Balkans and must be avoided at all costs.

It is our view that the peace and stability in Bosnia are dependent on a number of elements. The first is that all parties, including the international community, must respect the rule of law and the legal instruments that underlie the political structures in the country. It is crucial that the political leadership and the international presence remain focused on recognizing the balance brought about by Dayton and the subsequent political structures, and that they exert all efforts to ensure that this balance is respected and maintained. This is especially important in the completion of the Government formation process.

We are reminded of the fact that the Dayton Accords were supposed to be replaced by a permanent constitution in Bosnia, and we call on all parties involved to again start focusing on constitutional reform, which is the second element required for sustainable peace. No one is served by actions that take the country backwards from the constitutional reforms already agreed. The purpose of constitutional reform is to establish strong and representative State structures that supersede all other structures.

The third element is the need for dialogue between the parties, as none of what I have mentioned can be achieved without dialogue among the various ethnic groups and entities. Dialogue among the various structures and the High Representative is also crucial. Dialogue is essential for the adoption of the final Constitution. It will also facilitate the completion of the five objectives and two conditions, which, in turn, is required for the High Representative to complete his work and for Bosnians to take full responsibility for their country. Our delegation is concerned about the fact that no progress has been made in the implementation of those commitments. We call on all parties to redouble their efforts in that regard.

The fourth element is reconciliation. This should be the ultimate aim of continued dialogue. Essential for reconciliation is the commitment by all parties to fight impunity by brining to justice those accused of committing war crimes. This process must be executed in an impartial manner and by the judicial instruments agreed to by the various parties in Bosnia and Herzegovina. Reconciliation is undermined by rhetoric and inflammatory actions aimed at undermining the Bosnian State.

In conclusion, I want to quote President Clinton's statement when the Dayton Accords were completed, in 1995. He reminded us that

> "After so much bloodshed and loss and so many outrageous acts of inhuman brutality, it will take an extraordinary effort of will for the people of

Bosnia to pull themselves from their past and start building a future of peace".

This is the final element that my delegation wants to highlight, namely, political will. We want to encourage all parties in Bosnia and Herzegovina to recommit themselves to the full implementation of their commitments under the Peace Accords and agreements. South Africa will remain dedicated in its task as a member of the Security Council to support Bosnia in those efforts.

Mrs. DiCarlo (United States of America): I would like to welcome High Representative Inzko back to the Security Council and to thank him for his comprehensive briefing and for his service on behalf of the international community.

Let me also acknowledge the dedicated service of Bosnia and Herzegovina on the Security Council, which demonstrates its commitment to playing a strong, responsible role in the international community. Bosnia and Herzegovina's term on the Council has also demonstrated that cooperation and consensus among the leaders of its constituent groups is possible, even on complicated matters of international peace and security. This, in turn, gives us hope that those leaders can find ways to work together to overcome their internal political difficulties.

More than 15 years ago, the international community came together with Bosnia and Herzegovina's leaders to end the terrible conflict and forge a blueprint for the way forward. The hard work in Dayton, Ohio, paved the way for the lasting peace from which Bosnia and Herzegovina continues to benefit. But today the foundations of that historic Agreement are being challenged, threatening to undercut many of the gains that the country has achieved since Dayton. The United States urges the parties to make every effort to work together across ethnic and party lines to maintain peace and stability in Bosnia and Herzegovina and throughout the region.

Let me make four points in reaction to Ambassador Inzko's report (see S/2011/283).

First, the United States would like to reiterate our full support for the authority of the High Representative under the Dayton Accords. His authority has been repeatedly affirmed in numerous Security Council resolutions. We agree that the recent conclusions adopted by the Republika Srpska National Assembly present a fundamental challenge to the Dayton Accords and constitute the most serious of a disturbing pattern of actions by the Republika Srpska in violation of the Agreement. These actions raise serious questions about the Republika Srpska's commitment to the rule of law and to Bosnia and Herzegovina's path to membership in the European Union (EU). They represent a setback to progress made on the 5+2 agenda towards closing the Office of the High Representative. And they will have a chilling effect on the Republika Srpska's ability to attract much needed foreign investment, complicating the already difficult road to economic recovery. The High Representative has our complete support in condemning these unwarranted and unlawful challenges to his authority. He will likewise have our full support in steps he takes to uphold Dayton and defend and preserve Bosnia and Herzegovina's sovereignty and territorial integrity. We are in the process of considering our own measures in support of Dayton and Bosnian State institutions, should they become necessary.

Secondly, we are extremely concerned about the absence of a State-level Government more than seven months after the general elections. The political stalemate impedes progress on crucial reforms that are a first step towards membership in the EU and NATO. Bosnia and Herzegovina's leaders must assemble a strong coalition Government that is capable of making the necessary reforms, or risk seeing Bosnia and Herzegovina fall behind on the path to integration. Progress is possible if politicians are prepared to set aside narrow ethnic and personal political agendas and work towards common goals. The increased coordination among members of the tripartite presidency provides us with optimism that this can happen.

Thirdly, the United States remains concerned about divisive and chauvinistic rhetoric. Hate speech, including deeply troubling denials of the Srebrenica genocide, severely undermines trust and has led to increased tension between citizens and their political representatives. All groups have the right to address their grievances, but calls for secession and territorial reorganization are unrealistic and destabilizing. They serve only to deepen ethnic mistrust and division.

Fourthly, let me again emphasize the importance of Bosnia and Herzegovina's continued cooperation with the International Criminal Tribunal for the Former

Yugoslavia. The country's law enforcement and judicial collaboration with regional partners to apprehend suspected war criminals across borders is a step forward. We encourage Bosnian authorities to build on that progress and further advance stability in the region by creating an institutional mechanism for such cooperation.

We welcome the EU's decision to enhance its representation in Bosnia and Herzegovina. We also welcome the contributions of the European Union Force in Bosnia and Herzegovina, which remain necessary for maintaining stability, in particular given the difficult political situation.

The United States is fully committed to the Dayton Accords and fully supportive of the High Representative. We remain hopeful that the elected leaders of Bosnia and Herzegovina will forge a consensus around defence, constitutional and other reforms necessary to peace and stability, and ultimately for EU and NATO integration.

Mr. Messone (Gabon) (*spoke in French*): I would also like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his introduction of the report under consideration (see S/2011/283). We take note of the hopeful note in which he concluded his statement, just as we have taken note of the progress highlighted in the report in the area of security and of the difficulties that are unfortunately hampering the comprehensive implementation of the Dayton Peace Agreement. I would like to take this opportunity, on behalf of Gabon, to once again commend Mr. Inzko and his team for their efforts on the ground to implement the Agreement, as well as in connection with the reforms aimed at contributing to Bosnia and Herzegovina's integration into Europe.

As we underscored at our previous debate (see S/PV.6421), Gabon fully supports the efforts made by the international community to establish the rule of law in Bosnia and Herzegovina on the basis of stable and lasting institutions. We reiterate our support for the implementation for the Dayton Agreement, which is the foundation for the political process in the country. The report that has just been introduced to us provides a new opportunity to evaluate both the implementation of the Agreement as well as the current political and security situation.

With regard to security, my country welcomes the central role that the European Union Force in Bosnia and Herzegovina (EUFOR) continues to play in ensuring a stable environment in the region in spite of an increasingly tense political situation. We also welcome the decision taken recently by senior Bosnian officials to suspend the issuance of licences for the export of weapons and military material.

We are also pleased to note that current political developments are marked by improved cooperation among the three members of the new Presidency of Bosnia and Herzegovina. That original mechanism makes it possible to lay the foundation for breaking the political deadlock and to begin to establish an agreed transitional Government.

My Government also welcomes the fact that the general elections held in October 2010 were conducted smoothly and that the European Union has lifted visa requirements for Albanians and Bosnians in the Schengen area.

However, the gains made in the context of the Dayton Agreement are today at risk, and the international community must endeavour to preserve them. We are concerned at the persistence of several obstacles that are hampering the political process and the establishment of normally functioning institutions. I refer here to the difficulty of establishing a federal Government; the absence of an agreement on State property and on defence; and the challenge involved in ensuring the effective rule of law and the fiscal management of public finances. These are preconditions for the consolidation of peace and the building of a democratic State in Bosnia and Herzegovina.

We remain convinced that it is only through dialogue and political agreement that the parties will be able to achieve reconciliation in a situation characterized by two diametrically opposed approaches: that of a multi-ethnic, democratic and Euro-Atlantic society, and that of shared power among three nationalist oligarchies.

We urge all parties to engage in dialogue and to display tolerance, which are indispensable requirements for reconciliation and inter-communal unity. We condemn any calls for division or for a reassessment of the Dayton Agreement. We call on all parties to strengthen their cooperation with the High Representative, EUFOR, NATO and the International Tribunal for the Former Yugoslavia.

We would also note that EUFOR has played a vital role in improving the security situation. The international community in its turn must increase the aid it provides to the parties in order to achieve the five objectives pursuant to the Dayton Agreement and the two conditions established by the Peace Implementation Council. Respect by the parties for those requirements will facilitate the transition process whereby the Office of the Special Representative will replace that of the High Representative. Given current conditions, the mandate of the High Representative, which was extended until 31 August 2011, should be further extended. In that respect, we await the conclusions of the Steering Board of the Peace Implementation Council in July.

The building of Bosnia is first and foremost the responsibility of the people of Bosnia. We call on the political parties and actors to reject division and intolerance so as to construct a common destiny, one that reflects their deepest aspirations in a united resolve to live together with newfound unity.

Lastly, I should like to conclude by once again expressing our support for the work of the High Representative and for the recommendations he has made regarding future action.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Today's meeting of the Security Council is taking place without the traditional participation of the Chairman of the Presidency of Bosnia and Herzegovina. We know that Mr. Radmanović underwent an operation that prevented him from coming to New York. We would like to wish him a speedy recovery.

We listened closely to the statement made by the High Representative for Bosnia and Herzegovina, Mr. Inzko. Unfortunately, his statement contained more emotion than objective analysis of the situation in Bosnia and Herzegovina. That also applies to the two reports presented by the High Representative to the Security Council.

In order to gain a more objective view of the processes under way in Bosnia and Herzegovina, we recommend that members of the Council read the letter sent by the President of the Republika Srpska, Mr. Dodik, to the Secretary-General and the President of the Security Council in response to the High Representative's accusations that the leadership of the Serb entity had violated the Dayton Agreement. We hope that that document will be transmitted by the President to members of the Council.

The main task of the international community at this stage of a Bosnian settlement is, in our view, the transfer of responsibility for the future of Bosnia and Herzegovina to the Bosnians themselves. In practice, that means replacing the Office of the High Representative with that of the European Union Special Representative and, to that end, returning to the implementation of the 5+2 agenda set forth by the Steering Board of the Peace Implementation Council.

The process of forming a new Government following the elections of 3 October 2010 is facing serious complications. We believe that the current crisis is caused by the shakeup of State institutions by, first and foremost, the Bosniak leaders. Moreover, a significant share of the responsibility lies with the High Representative, whose measures, taken on the basis of the Bonn powers, have consistently heightened tensions in the country and hindered the quest for an internal compromise. The main problem, in our view, is the unwillingness to take into account the views of the Serb and Croat representatives. We believe that only the representatives of those parties that were victorious in the elections from each of the peoples would fully reflect the choice of the population. Accordingly, the formation by the ruling party of a coalition that does not include the Serb party the Alliance of Independent Social Democrats, the Croatian Democratic Union and the Croat Democratic Union 1990, which is what the Bosniak leaders are trying to achieve, could lead to a violation of the interests of the Serb and Croat peoples of Bosnia and Herzegovina.

We have witnessed with concern the unilateral actions taken by the Bosniak side to form a new leadership of the federation that does not include the leading Croat parties. This approach violates if not the letter then the spirit of Dayton and is counterproductive and dangerous. The legitimacy of these steps is not only disputed by the Serbian and Croat political leaders but was also rejected by the Central Election Commission of Bosnia and Herzegovina. For all intents and purposes, the process of forming a new Government has been undermined.

With respect to the decision taken by the Parliament of the Republika Srpska to hold a referendum on the legitimacy of the actions taken by the High Representative — the subject of the special report — we do not see a direct violation here of the Dayton Agreement. The reference by the High Representative to violations by the Serb entity of annexes 4 and 10 to the Dayton Agreement is not justified. Annex 4 does not contain any reference to a court and prosecutor in Bosnia and Herzegovina, and annex 10 grants the High Representative only the functions of interpreting the Dayton Agreements; it does not give him the authority to impose any changes which would interfere in the political process.

Moreover, the President of Republika Srpska spoke very clearly about the absence of separatist thought in the Serb entity. We believe that at this stage the actions of the Republika Srpska leadership do not go beyond their jurisdiction or violate the Agreement.

On that basis, we cannot agree with the decision taken by the High Representative on 27 March that overruled the Central Election Commission's decision on the formation of a new Government by the Bosniak entity. We see it as putting pressure on the leadership of Bosnia and Herzegovina in favour of one of the sides. The representative of the International Crisis Group, Ms. Arbour, spoke about this very clearly, saying that it was her view that the High Representative had shattered State institutions and the rule of law.

The continuing arbitrary use by the High Representative of the Bonn powers is unacceptable. Our principal position is that the application of the emergency mechanism is justified only in exceptional circumstances involving grave violations of the Dayton Agreement that threaten to destabilize the situation in Bosnia and Herzegovina; the current actions cannot be characterized in that way.

We call on the partners in the Steering Board not to dramatize the situation with the referendum but to focus on encouraging dialogue between the sides, which would take into account the concerns of the Serbian side about the activities of the Court and the Prosecutor. We know the validity of the comments and the dissatisfaction by the Serbian side with the activities of the Bosnian courts, which have long remained deaf to the international presence. Of the overall number of convictions by the Bosnian courts, 80 per cent have been in cases against Serbs. We are convinced that any vitally important decisions regarding the future of the country should be taken by the Bosnians themselves, on the condition that agreement be reached among the three State peoples of Bosnia and Herzegovina: Bosniaks, Serbs and Croats. In this context, we consider any attempt to impose any sort of constitutional reform on the Bosnian sides from the outside unacceptable. Such unilateral actions could worsen the situation in the country, as shown by the sadly well known case of the Butmir initiative.

In our view, the only way to find a solution to the political crisis is through dialogue leading to mutual concessions by the sides. We believe that decisions on the key questions of a settlement should be taken in the international forums we have agreed upon, namely, the Security Council and the Steering Board of the Peace Implementation Council.

Mr. Parham (United Kingdom): I express our thanks to the High Representative for his frank and dispassionate report. The United Kingdom strongly supports his ongoing work in Bosnia and Herzegovina and shares his deep concerns about the situation there and its deterioration over the past few months.

Seven months after elections, there is still no new State-level Government. This has blocked progress on reforms that are essential if Bosnia and Herzegovina is to function properly and move towards a future in the European Union (EU) and NATO. Nationalist rhetoric across the Federation continues to challenge the institutions and integrity of the State. Political leaders must urgently engage in negotiations to create a new State-level Government that is focused on, and able to deliver, crucial reforms. The Dayton framework requires political representation from all constituent peoples. Without flexibility and concerted effort, Bosnia and Herzegovina will remain stuck on the European Union accession track while its neighbours continue to move ahead.

We are concerned in particular by conclusions adopted by the Republika Srpska National Assembly on 13 April. Those conclusions, including the proposal to hold a referendum on the authority of State-level judicial institutions and the decisions of the High Representative, represent a clear breach of the Dayton Agreement. The conclusions are a direct attack on the High Representative, whose authority has been endorsed in numerous Security Council resolutions, most recently last November (resolution 1948 (2010)).

The Republika Srpska's actions threaten Bosnia and Herzegovina's overall stability. The Security Council cannot ignore or downplay the current challenge. This is not a technical issue. As the report of the High Representative (see S/2011/283) highlights, these decisions must also be seen in the broader context of repeated rhetorical attacks by the Republika Srpska on State-level institutions and a policy of obstructing, undermining and questioning their authority. Alongside this, President Dodik has questioned the territorial integrity and sovereignty of Bosnia and Herzegovina, repeatedly questioned the sustainability of the country and, on occasions, openly advocated its dissolution.

We have seen the letter from the Republika Srpska authorities that Ambassador Churkin mentioned. We fundamentally disagree with the legal argumentation of the Republika Srpska authorities and firmly support the High Representative's analysis. The United Kingdom's view is clear: the High Representative derives his authority from the Dayton Peace Agreement, which has been endorsed by the Security Council under Chapter VII. It is therefore clearly inappropriate to make this authority the subject of a referendum. The Republika Srpska referendum question explicitly states that the State court and Prosecutor's Office were unconstitutionally formed. This fact has been refuted by the Constitutional Court of Bosnia and Herzegovina in three separate decisions. As the Republika Srpska acknowledges, the Constitutional Court's authority is established in the Dayton Agreement, and is therefore in the Bosnian Constitution. Its decisions are final and binding, and a challenge to the Bosnia and Herzegovina State Court that ignores those decisions represents a challenge to the Dayton Agreement. Republika Srpska state law should not touch on matters outside its own jurisdiction. Legally speaking, the status and powers of the High Representative are matters arising under the Dayton Peace Agreement and international law, which therefore do not fall within the purview of Republika Srpska.

We therefore welcome all efforts to persuade the Republika Srpska to withdraw its referendum proposal and instead engage in constructive dialogue. If, however, there is no decision of this nature by Republika Srpska authorities within the clear time frame set by the High Representative, the United Kingdom will strongly and firmly support the High Representative in taking whatever action he deems necessary to protect and uphold the United Nations-endorsed Dayton framework.

In this context, I would also draw the attention of the Security Council to the conclusions of the European Union Foreign Affairs Council in March, which expressed clear support for proposals from EU High Representative Ashton for possible EU restrictive measures. The EU now has a full range of tools and measures at its disposal to tackle challenges in Bosnia and Herzegovina. The March Council decision states that restrictive measures may be imposed against persons who undermine the sovereignty, integrity or security of Bosnia and Herzegovina or undermine the Dayton Peace Agreement.

Finally, the risk of spillover from the worsening political climate into the security situation has increased in recent months. As the High Representative makes clear in his report, the presence of the European Union Force in Bosnia and Herzegovina (EUFOR) continues to reassure citizens that they are safe despite the tense political situation. EUFOR's executive military mandate remains a crucial safeguard for Bosnia and Herzegovina.

Mr. Wittig (Germany): I would like to join my colleagues in thanking the High Representative for Bosnia and Herzegovina for his comprehensive and frank briefing. We welcome the significant contribution made by the Office of the High Representative to stability, peace and sustainable development in Bosnia and Herzegovina.

Germany aligns itself with the statement to be delivered by the representative of the European Union (EU).

We are pleased to see that the security situation continues to be stable. However, the past few months have seen few positive political developments in Bosnia and Herzegovina. On the contrary, unilateral attacks on the State of Bosnia and Herzegovina and its institutions have increased. There is a disconcerting lack of readiness to compromise and to overcome nationalist agendas.

In particular, Germany is concerned by the announcement by the Republika Srpska that it will hold a referendum on key State-level judicial institutions. The attempt to undermine the judiciary is alarming. Disrespect for the rule of law damages Bosnia and Herzegovina's potential for EU accession. We should be clear and unequivocal about that.

Germany welcomes and fully supports the current initiatives taken by the European External Action Service, the European Commission and the Office of the High Representative to find a solution to the issue of the referendum. If those endeavours fail, further measures have to be considered. The High Representative has Germany's full support. The initiative to hold a referendum is an assault on the political consensus rooted in the Dayton Accords, to which we are all committed.

Bosnia and Herzegovina needs to form an inclusive State-level Government as a matter of the utmost priority in order to tackle the reform priorities ahead. Bosnia and Herzegovina cannot afford to lose more time if it does not want to fall behind in the EU integration process. We will have to adapt the cumbersome structures of Bosnia and Herzegovina's Constitution and to bring them into line with the European Convention on Human Rights and the requirements of the EU integration process. Bosnia and Herzegovina needs to be able to speak with one voice when negotiating with the EU and in other international forums. Germany will continue to provide its support to Bosnia and Herzegovina in that field.

The current political crisis has again brought to the fore the fact that some politicians in Bosnia and Herzegovina are unwilling to place compromise and the wellbeing of the country and its citizens above their own nationalist agendas. Since Dayton, the policy approach of the international community has apparently not been sufficient to create incentives for compromise in Bosnia and Herzegovina. Dayton must remain the foundation of the State; But Bosnia and Herzegovina needs to build a European house on it. The Foreign Ministers of the EU have therefore decided to reinforce the EU presence. That will create positive incentives and leverage for the integration processes, and will help it to react when Bosnia and Herzegovina's stability is intentionally undermined.

Let me be very clear. For the EU, respect for the rule of law and the stability of potential candidate countries are crucial. We will not accept any fundamental shortfall of such requirements. In March, the EU's Foreign Affairs Council took a decision on restrictive measures against individuals putting the stability and integrity of Bosnia and Herzegovina at risk. If talks fail, the EU might feel obliged to consider the application of such measures.

Finally, let me raise an issue relevant to the future work of the Office of the High Representative and other international organizations. To safeguard the footprint of the Office in stabilizing Bosnia and Herzegovina, a sustainable solution for the immunity of present and former Office personnel needs to be found.

A stable, economically prosperous and democratic Bosnia, irrevocably proceeding along the path of EU integration, is the best guarantor of peaceful development in the region. Germany will continue to provide assistance to such development.

Mr. Cabral (Portugal): I, too, would like to welcome High Representative and European Union (EU) Special Representative Mr. Valentine Inzko and to convey to him Portugal's appreciation and support for his work in the interests of peace in Bosnia and Herzegovina. In that context, we also thank him for his recent report (see S/2011/283) and for today's presentation, all of which deserve our full support. Portugal aligns itself with the statement to be made later today by the European Union representative.

Today's debate finds Bosnia and Herzegovina facing a particularly difficult political situation that may have dire implications for national, regional and international peace and security. We appeal to the leaders of all three constituent peoples to work together constructively and to refrain from using divisive rhetoric in order to overcome the general political deadlock in that country, and in particular to urgently form a Government at the State level. The current stalemate harms the prospects of Bosnia and Herzegovina's future prosperity and the region's stability.

The decision taken unilaterally to hold a referendum in Republika Srpska on an issue that pertains to national sovereignty and the powers of the High Representative is a serious threat to political balance within the country and a challenge to the established constitutional order. The international community is rightly concerned by that threat to the Dayton framework, and the options available to deal with it are well known to all parties. In that context, Portugal reaffirms its support for the High Representative's authority. It is our belief that the national interests of Bosnia and Herzegovina and the country's territorial integrity and sovereignty must be preserved.

Today is Europe Day, and Portugal strongly believes that Bosnia and Herzegovina's future is with the European Union. It is our conviction that tangible progress at both the political and the technical levels is in Bosnia and Herzegovina's best interest, as it is a precondition to Euro-Atlantic integration. The EU's role in Bosnia and Herzegovina in general and in relation to the current situation is vital. It reflects a consistent political and economic commitment and deserves the international community's full support.

Portugal is proud to have participated in the international community's efforts to bring peace to the Balkans and to Bosnia and Herzegovina. Fifteen years of hard work and costly sacrifice by the Bosnian people and the international community should not and will not be reversed. The Bosnian people deserve peace and prosperity. Portugal trusts that the international community will continue to be fully engaged in working for a united, independent and peaceful Bosnia and Herzegovina.

Mr. Manjeev Singh Puri (India): I would like to join other colleagues here in welcoming the High Representative and to thank him for his extensive briefing. We have also gone through his reports and would like to express support for his efforts in the work that he is doing.

Bosnia and Herzegovina is a novel experiment in building a new nation from the rubble of civil war that the people of the former Yugoslavia had to endure during the 1990s. It is never easy to build a multi-ethnic, multilingual, multicultural and multireligious country. The problems that the High Representative has reported to us today are bound to be encountered on the path of building a nation inhabited by people of different faiths, ethnicities and languages. Representing a country of more than 1.2 billion with arguably the largest diversity, I commend the people of Bosnia and Herzegovina for their determination to form a nation based on unity and diversity, and wish them success in their endeavours. Our experience has convinced us that, although the path is long and arduous, the fruits are well worth the efforts.

The resolution of the problems facing the Bosnian people call for patience, determination and mutual accommodation. Unilateral actions, mutual suspicion and violation of the General Framework Agreement for Peace will only vitiate the political and social atmosphere and delay the achievement of their goals. We would like to congratulate Bosnia and Herzegovina on the successful and smooth conduct of elections in October 2010 to elect the members of the Presidency in the three Parliaments at the national level and one each for the two entities. The Parliament at the entity level has begun to function. We hope that the stalemate in the formation of the Federation House of Peoples will also be resolved and that the Parliamentary Assembly will be able to convene soon. The display of flexibility on the part of the parties and the avoidance of divisive rhetoric would contribute towards that goal.

In that context, we welcome the High Representative's assessment that the Presidency of Bosnia and Herzegovina is operational and that cooperation among the three members has improved in comparison to the previous mandate. We are glad to note that the European Union Force in Bosnia and Herzegovina has been able to maintain a safe and secure environment in Bosnia and Herzegovina, and we support the view of the High Representative that its executive mandate should be extended.

India's relations with Bosnia and Herzegovina are cordial and friendly, dating back to the decades of friendship that we enjoyed with all the constituents of the former Socialist Federal Republic of Yugoslavia. In India, there is enormous goodwill for the people of Bosnia and Herzegovina, who share common values of respect for plurality, diversity and democracy. In the early 1990s, we extended assistance as part of the United Nations mission to observe law and order, including the dispatch of police observers. Recently, we have been cooperating in the establishment of an information technology centre. We stand ready to help in any other way that we can in the process of Bosnia and Herzegovina's nation-building.

Mr. Onemola (Nigeria): Let me welcome and thank the High Representative, Mr. Valentin Inzko, for his update on developments in Bosnia and Herzegovina since his last briefing (see S/PV.6421).

We are pleased that the security situation in Bosnia and Herzegovina has remained calm. We note with satisfaction the positive developments, including the implementation of the decision to abolish short-term visa requirements for Bosnia and Herzegovina citizens holding biometric passports and the improved cooperation among the members of the Presidency. We welcome the further progress on rule of law issues, as well as improved relations with the country's neighbours.

In spite of such improvements, we note that several difficult challenges remain, including the persisting climate of distrust among the political leaders and the lack of political will in implementing the Dayton Peace Agreement. Those misgivings are responsible for the limited progress on key reforms required for Euro-Atlantic integration and the completion of the five objectives and two conditions for the closure of the Office of the High Representative. We encourage political leaders to commit to the necessary reforms and the entire international community to support the country's efforts in that regard.

There is an urgent need for political leaders to refrain from nationalistic and anti-Dayton rhetoric, surmount their differences and demonstrate their resolve to address those differences through dialogue. It is also essential to promote national reconciliation and engender political trust, and for political leaders to be doggedly determined to remain united as a single entity, despite all odds.

We appreciate the valuable work of the High Representative and support his efforts to promote the entry of Bosnia and Herzegovina into the European Union and to facilitate the implementation of the Dayton Peace Agreement.

We commend the role of the European Union Force in Bosnia and Herzegovina, in collaboration with the armed forces of Bosnia and Herzegovina, in ensuring a safe and secure environment in the country. We welcome the contribution of regional and international partners in support of Bosnia and Herzegovina's efforts to sustain peace, stability and economic progress in the country. We are convinced that, with diligence and the necessary support of the international community, including this Council, Bosnia and Herzegovina will realize the vision of a stable, peaceful and prosperous country.

Finally, only political will to make concerted efforts at flexibility, consultative dialogue and respect for the various commitments made will ensure the sustainability of the progress built over the past few years.

Mr. Yang Tao (China) (*spoke in Chinese*): I would like to thank High Representative Inzko for his briefing. China welcomes the progress made in Bosnia and Herzegovina in such fields as security sector reform, enhancing the rule of law and economic recovery. We hope that all ethnic groups in Bosnia and Herzegovina will proceed on the basis of the long-term interests of the country in a spirit of mutual understanding and compromise; effectively implement the Dayton Peace Agreement; settle their differences through dialogue and negotiations; and increase mutual political trust to enhance national reconciliation. China looks forward to the formation of a new, broad-based Government in Bosnia and Herzegovina at an early date so as to ensure further progress in various aspects of national reconstruction.

China respects the independence, sovereignty and territorial integrity of Bosnia and Herzegovina, as well as the choice of all peoples of the country on the road to development. The future and destiny of Bosnia and Herzegovina lie in the hands of all of its peoples, whose right to self-determination should be duly respected.

China supports the international community's constructive role in resolving the question of Bosnia and Herzegovina. At the same time, the issues there are very complex and sensitive, involving not only Bosnia and Herzegovina itself, but also long-term peace and stability in the entire Balkan region. We hope that all parties concerned will settle their issues appropriately through dialogue and negotiations in a spirit of reconciliation and cooperation, avoid any escalation of tensions, and adopt effective measures to consolidate the achievements in the country's political process.

Together with the international community, China will continue to support and assist in efforts to achieve sustainable peace, stability and development in Bosnia and Herzegovina.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Inzko, for his comprehensive briefing and his report (see S/2011/283) on developments in the country.

We reiterate our support for Bosnia and Herzegovina in its endeavours to complete the implementation of the Dayton Accords and to achieve the goals set by the Steering Board of the Peace Implementation Council, which will lead to the closure of the Office of the High Representative.

The quiet and peaceful conduct of the general elections in October 2010 was followed by a period of semi-paralysis in the formation of a Government and an increase in political rhetoric. That is regrettable. We hope that more attention will be paid in the days to come to the formation of a representative Government that will promote the necessary reforms and conduct an open dialogue to achieve reconciliation.

We are concerned at the conclusions issued by the National Assembly of the Republika Srpska on 13 April, in which it questioned the role of the country's legal institutions. The Office of the High Representative views such statements as violating the Dayton Accords, the country's Constitution and the relevant Security Council resolutions.

We therefore call on the Republika Srpska authorities to abide by the letter and spirit of the Dayton Accords. In that connection, we reaffirm our backing for the independence and territorial integrity of Bosnia and Herzegovina. It is also important for all parties to refrain from taking measures, be they through constitutional reforms or the formation of new bodies of authority, outside the scope of the Dayton Accords or the country's Constitution. That would be counterproductive for all parties. All parties must enter into dialogue, negotiate on controversial issues and make mutual concessions with a view to arriving at a compromise acceptable to all parties. We realize that such an approach is complex, yet it provides a safety valve in multicultural societies. Local actors should play a leading role.

In conclusion, we fully support Bosnia and Herzegovina in its efforts to entrench the pillars of the State while achieving the requisite reforms to bring about stability and improve the welfare of its citizens.

Mr. Osorio (Colombia) (*spoke in Spanish*): My delegation would first like to express its thanks for the update report (see S/2011/283) on the events in Bosnia and Herzegovina. We underscore our support for the work of the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, in overseeing the implementation of the Dayton Peace Agreement and coordinating the activities of the civilian organizations assisting the parties in that endeavour.

We also support his decisions in the context of annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, which have been endorsed by the Security Council in a number of resolutions adopted pursuant to Chapter VII of the Charter of the United Nations. I also recognize the valuable contribution of the Permanent Mission of Bosnia and Herzegovina to the work of the Security Council.

My delegation reiterates its support for the Dayton-Paris Peace Agreement on the establishment of the Federation of Bosnia and Herzegovina. We call on the parties to strictly fulfil their obligations thereunder. Similarly, we share and confirm the commitment of the Security Council to remaining vigilant to situations that could threaten international peace and security in the case of Bosnia and Herzegovina.

We are convinced that Bosnia and Herzegovina is a nation that has overcome difficult periods in its history and is attempting to consolidate its political, judicial and administrative institutions. That is why, on 21 January, we duly supported the presidential statement (S/PRST/2011/2) on the theme "Post-conflict peacebuilding: institution-building", given our understanding that its guidelines can be applied to nations seeking to resolve their problems peacefully and to ensure the well-being of their peoples in the wake of conflict. We recall that, in that presidential statement, the Council stresses

> "the importance of institution-building as a critical component of peacebuilding and emphasizes the importance of a more effective and coherent national and international response to it, so that countries emerging from conflict can deliver core Government functions, including managing political disputes peacefully, providing security and maintaining stability, protecting their population, ensuring respect for the rule of law, revitalizing the economy and providing basic services, which are essential to achieving durable peace."

Additionally, the Security Council emphasized that, in countries emerging from conflict, the principal responsibility for successful peace falls on the national Governments and entities, including civil society, and that the United Nations can play a fundamental role in supporting the development of national institutions. It therefore stated:

> "The Council acknowledges the need for continued improvement in the delivery of support in the immediate aftermath of conflict in order to help stabilize the situation, whilst at the same

> time starting the longer-term process of institution-building, including those institutions that promote democratic processes and foster economic and social development, with a view to sustainable peace."

We therefore emphasize that the primary responsibility for the due implementation of the peace agreement falls to the authorities of Bosnia and Herzegovina. In this respect, we call on all the parties involved to support a political solution to the conflicts emerging from the former Yugoslavia, and to preserve the sovereignty and territorial integrity of all States in the area within their internationally recognized borders.

Colombia calls on the parties to overcome their differences and to consolidate a central Government and a Government of the Federation of Bosnia and Herzegovina in order to strengthen its institutions, in accordance with the "5+2" agenda. We also believe it important that there be a frank dialogue between the High Representative and the authorities of Bosnia and Herzegovina in order to resolve their differences.

Lastly, our delegation expresses its gratitude for the commitment of the European Union as a stakeholder in the region and for the work carried out by the European Union Force in Bosnia and Herzegovina.

Mrs. Viotti (Brazil): I wish to join previous speakers in welcoming High Representative Valentin Inzko and in thanking him for his briefing.

We are concerned by recent developments that could threaten the prospects of stability and peace in Bosnia and Herzegovina. Brazil reiterates its commitment to the sovereignty, territorial integrity and constitutional framework of Bosnia and Herzegovina. All efforts should be made to strengthen the State at the national level and, at the same time, to preserve the rights and prerogatives of all communal entities.

Challenges to the Dayton Peace Agreement and its institutional arrangements, as well as divisive rhetoric, must be avoided. The future of Bosnia and Herzegovina as a stable, prosperous and united country hinges on strict respect for the pertinent international and domestic legal provisions regarding the division of powers among the different levels of Government.

All actors must respect the authority of and cooperate with the High Representative. We call on all parties within Bosnia and Herzegovina to work constructively together to put an end to internal disagreements and build a country that reflects its multi-ethnic richness. We remain confident that all actors will continue to value the achievements of the past 15 years and uphold the General Framework Agreement for Peace. Bosnia and Herzegovina can prosper only if it remains united. All Bosnian parties should acknowledge that principle and refrain from any action that would undermine it.

We call upon the international community to continue to support Bosnia and Herzegovina as it strives to achieve sustainable political stability and socio-economic development. As multiculturalism increases all over the world, Bosnia and Herzegovina can set an example of how ethnic and cultural diversity can be managed and indeed become an asset. We are sure that, with the support of this Council, Bosnia and Herzegovina will overcome the present challenges and move towards a lasting political settlement that ensures durable peace.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I thank Mr. Inzko, High Representative for Bosnia and Herzegovina and Special Representative of the European Union, for his presence and his briefing to the Council. I welcome the contribution of the representative of Bosnia and Herzegovina to the work of our Council.

The European perspective, which has for many years been offered to all States of the Western Balkans, is not an empty promise. The liberalization of visas for all Bosnian citizens, which took place at the end of 2010 thanks to the efforts of political leaders, is evidence of this.

However, in spite of this hand extended by the European Union and of all the progress made over the past 15 years, the political situation in the country is seriously deteriorating. First of all, the lack of a Government is delaying reforms that would enable progress towards the European path. We therefore call on all Bosnian leaders to make the necessary compromises to form a Government.

Moreover, France is concerned by the questioning of the judicial institutions of Bosnia and Herzegovina and of the authority of the High Representative. We warn the Republika Srpska against any initiative that would contravene the Dayton Peace Agreement and threaten the stability of the country. We call on the Republika Srpska to respect the peace accords, which are the foundation for the institutions of Bosnia and Herzegovina. More generally, the leaders of Bosnia and Herzegovina must return to dialogue, overcome their divisions and work towards creating a State.

France reaffirms its full support for the High Representative, the guarantor of the peace accords on behalf of the international community. We support his work, his dialogue with the Bosnian political representatives and any decision he may take to ensure respect for the institution.

I now resume my functions as President of the Council.

I give the floor to the representative of Serbia.

Mr. Starčević (Serbia): Let me, first of all, welcome His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

At the outset, I would like to reiterate the resolve of the Republic of Serbia to fully honour the Dayton Peace Agreement as a basis for stability in Bosnia and Herzegovina and the entire region of the Western Balkans. Serbia respects the sovereignty and territorial integrity of Bosnia and Herzegovina as a State of two entities and three constitutive peoples.

My country has no intention of interfering in the internal affairs of Bosnia and Herzegovina. Instead, it is fully committed to continuing, through cooperation with it and other neighbouring countries, its efforts aimed at bringing about reconciliation in the interest of achieving lasting stability in the region. We believe that the improvement of relations among the countries of the Western Balkans will lead to the achievement of our common goal of joining the European family of nations.

The position of Serbia is that a solution can be achieved only through dialogue and compromise between the two entities and the three constitutive peoples. We believe that the international community should treat the relations between the three constitutive peoples in Bosnia and Herzegovina with great care and respect for their mutual interests. Rather than calling into question the integrity of the country, every solution for Bosnia and Herzegovina should contribute to its peace and stability. Serbia encourages all parties in Bosnia and Herzegovina to make additional efforts to reach sustainable solutions to all open questions.

My country is opposed to any imposition of a solution, because solutions should be taken only by the legitimately elected political representatives of citizens. We consider the idea of suspending the representatives of certain peoples to be dangerous. Serbia is against divisions in principle, but also against the disqualification of some actors from political processes. Serbia supports the quest for a solution to start reform processes in Bosnia and Herzegovina. We believe that this quest would be helped by the closure of the Office of the High Representative and the cancellation of the so-called Bonn powers, because the legitimately elected representatives of all peoples and entities have the ability and capacity to assume responsibility for the independent conduct of affairs of State.

We consider that the announced referendum of the citizens of Republika Srpska on the Court and the Prosecutor's Office of Bosnia and Herzegovina has nothing to do with the territorial integrity of the country and is not in contravention of the Dayton Peace Accords. Without any intention to interfere in the internal affairs of Bosnia and Herzegovina, we believe that legislative initiative belongs only to competent assemblies formed by the legitimately elected representatives of citizens and that there are no powers on the basis of which it could be taken over by other governmental organs in Bosnia and Herzegovina or by the international presence.

Serbia welcomes the earlier decision taken by the European Union (EU) on the liberalization of the visa regime, which we see as an important step on Bosnia and Herzegovina's road towards membership in the European Union. We are of the opinion that additional, concrete encouragements from the EU are needed for further stabilization of the situation in Bosnia and Herzegovina, bearing in mind that EU membership is the common denominator for the peoples of Bosnia and Herzegovina.

We have special parallel ties with the Republika Srpska but, at the same time, we are very interested in deepening our relations, particularly economic relations, with the Federation of Bosnia and Herzegovina. Serbia participates in regular trilateral and regional meetings. It hosted some of them recently, at the highest level. We believe that such meetings are a contribution and an impetus to the further promotion of good-neighbourly relations and intensification of regional cooperation, all of which will certainly help speed up the process of European integration.

The President (*spoke in French*): I now give the floor to the representative of the European Union.

Mr. Serrano (*spoke in French*): Thank you, Mr. President, for giving me the opportunity to speak on behalf of the European Union (EU).

(*spoke in English*)

The candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Iceland and Montenegro, the country of the Stabilization and Association Process and potential candidate Albania and the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

I would like to join other speakers in welcoming High Representative for Bosnia and Herzegovina and European Union Special Representative Valentin Inzko back to the Council and to reiterate the European Union's full support for his Office and his work.

The European Union shares the concern of the High Representative about the current political situation in Bosnia and Herzegovina. More than seven months after the elections of October 2010, we are still waiting for the formation of a Government at the State level. In addition, we have since seen a further deterioration of the political climate and little progress in key reform areas. It is crucial that a State-level Government be formed without further delay, that it restart the reform process and put the country on the road towards European Union integration. The European Union encourages the Security Council to send a message of strong concern, urging all political actors to find common solutions within the framework of the General Framework Agreement for Peace in Bosnia and Herzegovina.

In that context, we deem the recent decision by the Republika Srpska to hold a referendum challenging the authority of State judicial institutions within that entity and rejecting the authority of the High Representative as a step in the wrong direction. In recent meetings between EU officials and political representatives of the Republika Srpska we have made clear our strong concerns and our expectation that the referendum will not be held. While concerns related to the functioning of State institutions may be legitimate, they but must be expressed through appropriate mechanisms. It is clear that only mutually agreed reforms would be acceptable.

The European Union regularly encourages political representatives of Bosnia and Herzegovina to act with a greater spirit of compromise, to step up consultations and to work for the long-term interests of the country. The European Union has now called on political leaders of Bosnia and Herzegovina to engage in a constructive, structured political dialogue on legal issues and the judiciary. We also stand fully behind the authority of the High Representative. Moreover, we underline once more our firm commitment to the territorial integrity and sovereignty of Bosnia and Herzegovina and urge all to refrain from divisive rhetoric and actions that harm the interests of the citizens.

It is the prime responsibility of Bosnia and Herzegovina's political leaders to achieve concrete and tangible progress, including on the road towards EU integration, on the five objectives and two conditions for the closure of the Office of the High Representative and on constitutional reform. The European Union believes that, as a matter of priority, Bosnia and Herzegovina needs to bring its Constitution into compliance with the European Convention on Human Rights. The fulfilment of the obligations under the Interim Stabilization and Association Agreement with the European Union would demonstrate commitment to the EU integration process, be a key element for a credible membership application and avoid Bosnia and Herzegovina falling further behind the region on its way towards European Union accession.

The European Union is in the process of further strengthening its engagement in Bosnia and Herzegovina so as to support its progress towards EU accession through a comprehensive approach and significant financial assistance and expertise. It will soon enhance its political presence through a consolidated single EU representative. In addition, the European Union maintains two crisis management missions on the ground — the European Union Police Mission and the European Union Force Althea — which, as the Foreign Ministers of the European Union member States reaffirmed in March this year, are important elements of the overall EU strategy for Bosnia and Herzegovina. Operation Althea supports

Bosnia and Herzegovina's efforts to maintain a safe and secure environment and provides training to the Armed Forces of Bosnia and Herzegovina, while the Police Mission's activities centre on supporting the fight against organized crime and corruption.

The recent high-level visit to Bosnia and Herzegovina by the President of the European Commission, José Manuel Durão Barroso, underlined our unequivocal commitment to Bosnia and Herzegovina's European perspective and the preparedness of the EU to assume the leading role in that regard. Fifteen years after the signing of the Dayton Paris Peace Accord, Bosnia and Herzegovina's citizens deserve a qualitative step forward for their country on the path towards European integration. As the successful visa liberalization shows, when there is political will and readiness to reach compromise, Bosnia and Herzegovina is able to carry out reforms and to deliver on commitments. With this in mind — and on Europe Day 2011 — we encourage and appeal to its political leaders to put Bosnia and Herzegovina firmly on the way towards the European Union.

The President (*spoke in French*): I now give the floor to the representative of Turkey.

Mr. Müftüoğlu (Turkey): We join others in warmly welcoming High Representative Inzko and we thank him for his insightful briefing and for sharing with us his candid assessment of the situation in Bosnia and Herzegovina, which we fully share.

We believe that the Balkans continue to represent the essential test case for lasting peace and stability on the European continent. Sovereign, democratic, stable and functional States in the Balkans are indispensable for a free and integrated Europe, and we are encouraged by the developments in many parts of the Balkans towards that end. However, we are greatly concerned by the situation in Bosnia and Herzegovina, which faces its worst crisis and most serious risk of instability since 1995. While the international community anticipates ever more steadfast and ambitious steps towards the consolidation of an effective, stable and viable State within its internationally recognized borders, as foreseen in the Dayton Peace Accords, we are faced with a political system that is deadlocked, with a disturbing increase in nationalist and divisive rhetoric, including calls for the establishment of a third entity.

It has been seven months since the holding of the general elections, but a State-level Government has still not been formed. Unfortunately, due to the uncompromising positions of political leaders, there is not much room for hope that that will be done soon. At the level of the Federation, it has only recently been possible to form the new Government and assemble the Federation Parliament. While we regret that the Government and the Federation may not be optimally representative, despite local and international efforts, we welcome the fact that there is finally a Government. We hope that all stakeholders will now act responsibly and avoid blocking the functioning of the institutions or attempting to form parallel ones.

The main focus must now be on the formation of the State-level Government. Without Governments and parliaments, there can be no progress in the reform process and thus no progress towards European Union or NATO membership. It is of crucial importance that the State-level Government be formed as a broad-based, inclusive and representative administrative structure that is strong enough to lead the country towards Euro-Atlantic integration and materialize much-needed reforms. We therefore call on all political stakeholders to be flexible and look for compromises in order to achieve a breakthrough.

Most worrisome in the general deterioration of the political climate in Bosnia and Herzegovina are the outright challenges of the Republika Srpska to the sovereignty, unity and territorial integrity of Bosnia and Herzegovina, its State institutions and its constitutional order. Calls such as those of the Republika Srpska's President for the dissolution of Bosnia and Herzegovina or the conclusions by the Republika Srpska National Assembly to hold a referendum questioning the authority and powers of the High Representative, the Court of Bosnia and Herzegovina and the Prosecutor's Office are unacceptable. These types of calls and unilateral actions amount to clear violations of the General Framework Agreement for Peace, are the most dangerous steps for the future of Bosnia and Herzegovina, and thus must be absolutely avoided. It is our expectation that a way will be found to repeal the conclusions and the referendum decision. Any legitimate concern must be expressed through appropriate mechanisms, and compromise solutions must be sought.

Turkey is a member of the Peace Implementation Council Steering Board and thus feels a special responsibility towards the Office of the High Representative. It has been more than three years since the Steering Board set five objectives and two conditions for the transition of the Office of the High Representative. While we are encouraged by the important progress made on some issues, we regret that the political stalemate in the country prevents progress on the outstanding ones. We firmly believe that the full implementation of the "5+2" agenda is absolutely necessary for the closure of the Office and for Bosnia and Herzegovina's Euro-Atlantic integration.

In this context, let me also underline that we are firm and resolute in our support for the High Representative. We ask him to continue his efforts. We expect him to make the decisions that he believes are required and to use the powers granted to him by the Council as needed to enforce those decisions. We do not agree that the actions of the High Representative and the personnel of his Office are unlawful, and we do not see such claims as helpful.

Turkey considers itself a good friend of Bosnia and Herzegovina. We have excellent bilateral ties and maintain close relations with all stakeholders in the country. In this vein, our Minister for Foreign Affairs, Mr. Davutoğlu, visited Bosnia and Herzegovina twice after the elections, and during his most recent visit he met with Bosniak leaders in Sarajevo, Mr. Dodik in Banja Luka and Croat leaders in Mostar.

Believing also that regional cooperation is an essential tool for normalizing relations between countries, we have established trilateral consultation mechanisms among Turkey, Bosnia and Herzegovina and Serbia, and Turkey, Bosnia and Herzegovina and Croatia; these have proven to be effective and resilient cooperation schemes. The second Trilateral Balkan Summit among Turkey, Bosnia and Herzegovina and Serbia was held in Karadordevo, Serbia, on 26 April and provided the leaders of the three countries with the opportunity to discuss all issues of common interest and look for joint solutions.

We believe in the future of Bosnia and Herzegovina and are doing our utmost to assist it in taking its rightful place in the European family of nations. For that reason, we call on all political leaders in Bosnia and Herzegovina to act with the long-term interests of the country in mind. What is needed is common vision and joint action, not the pursuit of narrow ethnic interests.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Allow me to extend my welcome to His Excellency Mr. Valentin Inzko, High Representative and Special Representative of the European Union (EU), and to thank him for his briefing and his report (see S/2011/283). Croatia aligns itself with the statement of the European Union, but allow me to make an additional statement in my national capacity.

The report presents a worrisome picture of a post-electoral Bosnia and Herzegovina where virtually no reforms have been implemented and progress towards EU and NATO integration has been effectively stalled. The situation has been further exacerbated by the use of nationalistic and divisive rhetoric. In this context, we agree with the assessment that it would be premature to close the Office of the High Representative this year.

Let me stress that the sustainable stability of South-East Europe is in Croatia's strategic interest. A clear Euro-Atlantic perspective is necessary for the whole region, and we believe that progress towards Euro-Atlantic integration is a precondition for the long-term stability of Bosnia and Herzegovina and countries in South-East Europe. We firmly support Bosnia and Herzegovina in implementing the necessary reforms, and we have invested a lot of effort in offering our assistance and experience on its EU and NATO integration path. We believe that membership of the European Union represents the most suitable framework for the overall development of all countries of South-East Europe.

Croatia and Bosnia and Herzegovina maintain a close relationship as two neighbouring and friendly countries that have common interests in many different areas. This fact has been exemplified by a series of high-level visits, the most recent of which occurred three months ago when the Presidency of Bosnia and Herzegovina visited Zagreb and held meetings with President Ivo Josipović and Prime Minister Jadranka Kosor. In addition, the Croatian President and Prime Minister issued three joint statements in which they emphasized Croatia's support for Bosnia and Herzegovina on its Euro-Atlantic path and confirmed its responsible policy towards Bosnia and Herzegovina as a neighbouring sovereign country in which Croats are a constitutive people.

These joint statements and high-level visits of Croatian leaders represent a strong encouragement to Bosnia and Herzegovina and to the principle of the equality of all constituent peoples and citizens of Bosnia and Herzegovina. Croatia also supports the return of refugees to the country, primarily to the Republika Srpska.

Croatia has expressed concern at the ongoing political crisis in Bosnia and Herzegovina, which threatens to aggravate relations in the Federation and block the formation of a Government at the State level. Croatia regards the country's territorial integrity, its sovereignty and the equality of its three constitutive peoples as the basic preconditions for Bosnia and Herzegovina's stability and sustainability. Therefore, Croatia believes that, notwithstanding the current impasse in the formation of a Government, all parties in Bosnia and Herzegovina and the international community should strive to agree on a set of constitutional amendments that would move the country forward towards Europe, while preserving the full equality of all constitutive peoples and all citizens throughout the territory of Bosnia and Herzegovina.

We are concerned by the fact that the political option, which at present enjoys the support of the vast majority of Bosnian Croats, is not represented at all political levels. It is hard to imagine lasting constitutional reform that would make Bosnia and Herzegovina more effective and functional without the political option enjoying the widest popular support of one of the three constitutive peoples of the country. There should be no alternative to a structured political dialogue, and no effort should be spared to reach legitimate solutions. All important decisions in Bosnia and Herzegovina, especially those with potentially far-reaching consequences, should be made through the consensus of all three constitutive peoples. Otherwise, we may witness the emergence of two entities, each dominated by a single people and increasingly drifting apart. There is also the potential that precious time to implement the needed pro-European reforms will be lost.

In this regard, we agree with the previous speakers who have expressed serious concern about the unilateral decision of the Republika Srpska to hold a referendum on challenging the authority of State judicial institutions and rejecting the authority and past decisions of the High Representative. We believe that this decision should be reversed, as it undermines the constitutional structure of the country and could undo the positive developments achieved since the entry into force of the Dayton Peace Agreement.

If the referendum moves forward, it may foster new tensions in the country and the region. Croatia underscores that all parties should respect the Dayton Peace Agreement and the actions of the High Representative undertaken with the approval of the Security Council, acting under the authority of Chapter VII of the United Nations Charter.

Finally, the fight against impunity for war crimes is crucial to the normalization of the situation in Bosnia and Herzegovina. The two remaining fugitives, Ratko Mladic and Goran Hadzic, indicted for the most atrocious crimes committed in Bosnia and Herzegovina and Croatia, must be brought to justice. If they are not, the mandate of the International Tribunal for the Former Yugoslavia and its legacy in the region cannot be declared complete.

Mr. Barbalić (Bosnia and Herzegovina): I, too, want to thank the High Representative for his briefing. I feel the need to express my gratitude to all speakers who have expressed firm support for the process of State-building and the integration prospects of Bosnia and Herzegovina in the European Union.

However, after 15 years, instead of considering how we could stop discussing Bosnia and Herzegovina in the Security Council, we are again discussing certain aspects of peace and security in the country. It must therefore be understood that, for me and my delegation, it is quite a personal and emotional issue. We nevertheless feel the need to express both our gratitude and certain concerns.

Allow me to note that, when we discuss the situation in Bosnia, we have to be aware that we are not discussing the situation that prevailed 15 years ago. The current situation is one in which a lot has been achieved. My country is dealing with issues that were not a part of the problem 15 years ago, but are preventing the country from entering a new phase of integration and prosperity. In that regard, it is important to say that a lot has been achieved. The State- and institution-building processes, the return of refugees and the overall building of the State have been achieved and have been successful. In the current part of the process, domestic parties have played a major role, in cooperation with the international community.

As a member of the Security Council, we have had the privilege not only to discuss policies across the world, but also to have had many lessons and examples before us that we are using today as a reminder that such instruments are being built on the basis of the experience of Bosnia and Herzegovina. When we deal with issues of post-conflict justice, we have to remember how much has been done in that field with regard to Bosnia and Herzegovina, the International Tribunal for the Former Yugoslavia, and the process of building institutions within a State in order to address the issue of justice.

For that reason, I have to express my concern over some comments that have been made with respect to the percentages of cases before domestic institutions involving the various ethnic groups. The point is that all war crimes have to be tackled, and that is the only way we should discuss this particular issue.

In that regard, I should also like to consider the position of the international community. The role of the High Representative is still important in supporting the capacities of State institutions to resolve institutional deadlocks. Such activities of the High Representative are aimed at the continuation of Euro-Atlantic integration, which is the strategic goal of Bosnia and Herzegovina. The Office of the High Representative, as the executive body of the Security Council in Bosnia and Herzegovina, not only is the main player in the theatre, but also represents the determination of the international community to support the sovereignty and territorial integrity of Bosnia and Herzegovina. The mandate of the High Representative is defined by annex 10 of the Dayton Peace Agreement and confirmed by Security Council resolution 1031 (1995), pursuant to the request of the signatories to the Agreement to follow-up on the Agreement's implementation. Moreover, the Bonn powers of the High Representative were confirmed by resolution 1144 (1997). However, that does not involve the Peace Implementation Council, which has only a non-obligatory advisory role defined later by an international conference.

Another issue that I have to address — and I understand that it is not easy to comprehend, but is important to stress in the light of certain comments that have been made — is the fact that Bosnia and Herzegovina is not solely the sum of three constituent peoples. It is a country with a tradition of multiculturalism and of people living together in cities and villages and working together. When we discuss the political situation in Bosnia, we have to be aware of the fact that we have more than just ethnic parties and structures; we have people working together. Thus, when we consider the internal affairs of the country in terms of the creation of a Government, we have to be fully aware that we are discussing not only ethnic groups trying to make political deals, but also political forces in which people of different ethnic groups work together for the common benefit of the country. I believe that this approach should, at the very least, be supported.

In conclusion, I want to emphasize the need for and prospects of regional cooperation. Our Presidency has done a lot in that regard. We have to stress that it is necessary to ensure mutual respect and non-interference in our internal affairs. We truly believe that this is a real and promising prospect. Certainly, in recent times Bosnia and Herzegovina has gone through a difficult political situation, but at the same time the Government has been structured at the entity level and at most of the local level. The Presidency is functioning; we are taking many positive steps in terms of working on regional cooperation, and our caretaker Government is also functioning in a way that is necessary to create one society.

For that reason, we believe that it is necessary for the international community to continue, together with domestic actors, to work resolutely to achieve the major goals of the country: integration and State-building. That is a prospect towards which we must look together with our neighbours in the region. I believe that this prospect is strong and the only correct path towards a common future.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at noon.

United Nations

S/PV.6530

Security Council

Sixty-sixth year

Provisional

6530th meeting

Monday, 9 May 2011, 3 p.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Ms. Amos.

Ms. Amos: I thank you, Mr. President, for this opportunity to provide an overview of the humanitarian situation in Libya to the Security Council.

The conflict, the breakdown of State infrastructure and shortages of cash and fuel are causing serious problems to the population of Libya. Over 746,000 people, most of them third-country nationals, have fled the country. Some 5,000 people remain stranded at border points in Egypt, Tunisia and Niger. Approximately 58,000 internally displaced people are living in spontaneous settlements in eastern areas of Libya. Widespread shortages are paralysing the country in ways which will impact gravely on the general population in the months ahead, particularly the poorest and most vulnerable. We do not have yet an accurate figure of the total number of casualties since the start of the crisis.

The longer the current situation continues, the graver the humanitarian situation will become. With this in mind, the United Nations has established a humanitarian presence in both Benghazi and Tripoli. The agreement I reached with the Libyan authorities in Tripoli on 17 April included a commitment that the establishment of a United Nations humanitarian presence in Tripoli would be fully supported. The agreement included the facilitation of security and other arrangements necessary for humanitarian agencies to assess and assist areas affected by conflict in the west of Libya.

The Government has sought to facilitate our work as per that agreement, and it is unfortunate that our team has had to temporarily relocate from Tripoli for security reasons, following the ransacking of United Nations offices there on 1 May. The Government of Libya has apologized for the incident and offered full compensation for the damage caused. The Humanitarian Coordinator for Libya has written to the Libyan Foreign Minister asking for a renewed commitment to safeguarding United Nations personnel and property, and he has received a positive reply. It is our intention to return as soon as possible to Tripoli and to open land access to Misrata, the Western Mountains and other affected areas.

In Libya today humanitarian agencies are most concerned about people living in areas where fighting is taking place. In Misrata, which is at the forefront of our concerns, shelling and fighting have been ongoing in parts of the city for more than two months. Stocks are available, but some people are running short of food, water and other basics. Medical facilities need supplies and more trained personnel.

Humanitarian assistance has entered Misrata on an ad hoc basis, and humanitarian non-governmental organizations, especially medical organizations, are present on the ground. Over 5,000 metric tons of humanitarian aid has been delivered to Misrata, including food assistance, medical supplies and water and sanitation materials. The vast majority has entered through the port. More than 13,000 people, mainly third-country nationals, have been evacuated from the city by boat.

Those operations have been successfully carried out on the basis of transparent notification of humanitarian movements to all parties to the conflict. Continued liaison with all parties is essential to maintain, and indeed expand, the scope and reach of humanitarian operations. Between 150 and 300 third-country nationals still need to be evacuated from the city. There are an unknown number of seriously ill and injured people who also require evacuation assistance.

The situation in the Western Mountains region, where an estimated 750,000 people live, has received less attention, but is also very concerning. Fighting has reduced access to food and medical supplies. Fifty thousand people have fled to Tunisia. Most of them are now residing with Tunisian host families, who have generously received them. The World Food Programme has delivered some assistance, and non-governmental organizations have taken great risks to reach the main towns of Nalut and Zintan with medical assistance.

About 2,200 people are in refugee camps in southern Tunisia. The Office of the United Nations High Commissioner for Refugees and its partners are providing food and non-food items to those refugees, as well as to host families. The Libyan Ministry of Social Welfare has informed us that it is assisting approximately 5,000 families from Misrata, the Western Mountains region and southern areas — about 33,000 people in total.

In spite of the repeated requests of the Secretary-General and the international community as a whole, civilians are still coming under fire in these areas of conflict. This has to stop. The Security Council must continue to insist that all parties respect international humanitarian law and ensure that civilians are spared. The reported use of cluster bombs and sea and land mines, as well as deaths and injuries caused by aerial bombing, show a callous disregard for the physical and psychological well-being of civilians. There are reports of sexual violence, including rape. We are also concerned that children could be recruited as combatants. Disappearances and abductions are reported. The shelling of the port in Misrata has prevented humanitarian ships from accessing the port.

All parties need to agree a temporary pause in the fighting in Misrata and other areas. That would provide a respite from violence for the civilian population and enable those who wish to leave to do so. An independent assessment of the humanitarian situation could be conducted. A pause would also enable the delivery of essential medical supplies and other relief items, as well as the evacuation of third-country nationals, the wounded and others who require emergency medical assistance. My colleagues and I will continue to press for this.

In Benghazi and other areas there are no immediate acute emergency needs. But an influx of approximately 58,000 displaced people has given rise to some humanitarian requirements. There are also protection concerns and wider human rights concerns.

Throughout Libya communities have opened their homes to families who have been displaced. While that is a testament to the generosity of the Libyan people, it means that host families themselves are doubly affected by the crisis. The longer this situation continues, the greater the likelihood that those families will need significant support.

The manner in which the sanctions are implemented and monitored is causing serious delays in the arrival of commercial goods. In addition, the conflict has caused a serious disruption of supply lines within the country, which has already led to shortages of fuel and difficulties in obtaining commodities, including foodstuffs, medicines and other essential goods. There have also been severe cash shortages throughout the country.

The impact of these problems is being felt nationwide and in all sectors. I am particularly concerned about the effect on the health sector. In Tripoli the Libyan Ministry of Health has reported that only 45 percent of medical staff are working. Thousands of foreign nurses and doctors left the country at the start of the crisis. Essential medicines, supplies and vaccines will not be replenished when they run out. Even if imported medicines do enter the country, they cannot be distributed to health facilities due to fuel shortages and the disruption of supply lines.

Schools are closed. School buildings have been damaged or are sheltering displaced people. School-age children are traumatized. Teachers and students are unable to get to school, including in Tripoli, because of fuel shortages. Annual examinations have been postponed. No planning is under way for the next academic year. Educational materials are increasingly unavailable, as they also must be imported.

Food stocks are being depleted. Libya is a food deficit country, heavily reliant on imports. Between 75 and 90 per cent of all consumed cereals are imported. The country requires between 110,000 and 150,000 metric tons of food monthly to feed its population of over 6.5 million. A recent inter-agency mission found two months of food stocks in the eastern region of the country; Western Libya has three months of food stock. Also of concern for the country's longer-term food security is the disruption of the public food distribution system, the departure of third-country national agricultural workers and the unavailability of fuel to transport agricultural produce around the country. The short supply of cash combined with rising food prices will make it increasingly difficult for vulnerable people to get what they need.

The lack of fuel is also impacting on the functioning of desalination plants and other water purification mechanisms. Desalination supplies are running out. The current situation will contribute to the need for continuing humanitarian assistance in Libya in the months ahead.

Those structural vulnerabilities need to be addressed to ensure that the adverse effects on the civilian population are minimized.

The delivery of humanitarian assistance in Libya must remain distinct from the military activities of all parties to the conflict. Every possible effort is being made to deliver assistance and evacuate the injured and third-country nationals while using only civilian resources. Only as a last resort will the military assets that have been generously offered by some Member States be mobilized. We have not yet reached that point.

In this complex and charged environment, a loss of confidence by any of the parties to the current hostilities in the strictly neutral, impartial and independent character of humanitarian action would jeopardize our ability to reach the people who need help. Humanitarian agencies must have access to all people, regardless of where they are and under whose control they happen to find themselves. The work of humanitarian agencies must not be impaired. Aid workers must not become targets because of perceived compromises to their neutrality, impartiality and independence.

The next two to three months will be a critical period for Libya. So far, we have received $144 million for humanitarian work. That is 46 per cent of what is needed. I would like to thank Member States for their support. We are now revising our appeal. We will need additional resources to support increased humanitarian activities within Libya. I count on members' continued support for the humanitarian effort in Libya, and for achieving the desperately needed temporary humanitarian pause.

The President (*spoke in French*): I thank Ms. Amos for her briefing.

I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 3.20 p.m.